

THE
LEGISLATIVE ASSEMBLY DEBATES
(Official Report)

Volume V, 1935

(2nd September to 16th September, 1935)

SECOND SESSION
OF THE
FIFTH LEGISLATIVE ASSEMBLY,
1935



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1936

Legislative Assembly.

President :

THE HONOURABLE SIR ABDUR RAHIM, K.C.S.I., KT.

Deputy President :

MR. AKHIL CHANDRA DATTA, M.L.A.

Panel of Chairmen :

PANDIT GOVIND BALLABH PANT, M.L.A.

MR. ABDUL MATIN CHAUDHURY, M.L.A.

MR. G. MORGAN, C.I.E., M.L.A.

MR. M. S. ANLEY, M.L.A.

Secretary :

MIAN MUHAMMAD RAFI, BAR.-AT-LAW.

Assistant of the Secretary :

RAI BAHADUR D. DUTT.

Marshal :

CAPTAIN HAJI SARDAR NUR AHMAD KHAN, M.C., I.O.M., I.A.

Committee on Petitions :

MR. AKHIL CHANDRA DATTA, M.L.A., *Chairman*.

PANDIT GOVIND BALLABH PANT, M.L.A.

SYED GHULAM BHIK NAIRANG, M.L.A.

DR. F. X. DESOUZA, M.L.A.

MR. LALCHAND NAVALRAI, M.L.A.

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THE

LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT OF THE SECOND SESSION OF THE
FIFTH LEGISLATIVE ASSEMBLY.)

VOLUME V—1935.

LEGISLATIVE ASSEMBLY.

Monday, 2nd September, 1935.

The Assembly met in the Assembly Chamber in Simla, at Eleven of the Clock, being the First Day of the Second Session of the Fifth Legislative Assembly, pursuant to Section 63-D (2) of the Government of India Act. Mr. President (The Honourable Sir Abdur Rahim, K.C.S.I., Kt.), was in the Chair.

MEMBERS SWORN.

The Honourable Sir Muhammad Zafrullah Khan, Kt. (Member for Commerce and Railways) ;

The Honourable Mr. David George Mitchell, C.S.I., C.I.E. (Member for Industries and Labour) ;

Mr. Thomas Chapman-Mortimer, M.L.A. (Bengal : European) ;

Pandit Krishna Kant Malaviya, M.L.A. (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) ;

Mr Muhammad Yamin Khan, C.I.E., M.L.A. (Agra Division : Muhammadan Rural) ;

Mr Frank Burton Leach, M.L.A. (Burma : European) ,

Mr. E. H. M. Bower, I.S.O., M.L.A. (Nominated Non-Official) ;

Mr. J. H. Blackwell, M.L.A. (Nominated Non-Official) ;

Mr. James Glasgow Acheson, C.I.E., M.L.A. (Foreign Secretary) ;

Mr Alan Hubert Lloyd, C.S.I., C.I.E., M.L.A. (Government of India : Nominated Official) ;

Mr. Arthur Shelden Hands, C.I.E., M.L.A. (Government of India : Nominated Official) ;

Diwan Bahadur Rasipur Varada Krishna Ayyar, M.L.A. (Madras : Nominated Official) ;

Mr. Duncan MacLachlan, M.L.A. (Bombay : Nominated Official) ;

Mr Madhusudan Damodar Bhat, M.L.A. (Bombay : Nominated Official) ;

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Mr. Percival Joseph Griffiths, M.L.A. (Bengal : Nominated Official) ;
 Mr. Leonard Owen, M.L.A. (United Provinces : Nominated Official) ;
 Mr. Dionys John Norris Lee, M.L.A. (Central Provinces : Nominated Official) ;
 Mr. Sankar Pandurang Desai, M.L.A. (Assam : Nominated Official) ;
 and
 Mr. Tom Lister, C.I.E., M.L.A. (Burma : Nominated Official).

DEATHS OF SIR BASIL BLACKETT, SIR DEVA PRASAD SARVADHIKARY, LALA FAKIR CHAND AND HAJI ABDULLA HAJI QASIM.

The Honourable Sir Nripendra Sircar (Leader of the House) : Sir, before you take up the day's work, may I have your permission to mention the deaths of some of the past and present Members of this Assembly.

The first name which I have to mention is that of Sir Basil Blackett. Long accounts of his life and of his activities have recently appeared in the press, particularly in every newspaper, English and vernacular, and I have no desire to take the House over the long history over again. I would like to remind the House very shortly that he was the Finance Member and a Member of this Assembly from 1923 to 1928, he was the Leader of this House from August 1927 to March 1928, he was the Secretary of the Indian Finance and Currency Commission in 1913-1914, and he was on a special mission to the United States Government in 1914. He was also a Member of the Anglo-French Financial Mission to the United States of America which raised the Anglo-French loan of 500,000,000 dollars in 1915. He was also the representative of the British Treasury in the United States of America from 1917 to 1919. His activities did not cease on his retirement and, as we all know from the biographies which have been published, he was holding a very responsible post at the time when the tragic occurrence took place as the result of a motor accident.

Sir, the second name I have to mention is that of Sir Deva Prasad Sarvadhikary, who was a Member of the First Legislative Assembly, representing the Calcutta Non-Muhammadan constituency from 1921 to 1923. He was an elected Member of the Council of State from 1923 to 1925. Before this he had been a Member of the Indian Legislative Council and a Member of the Bengal Legislative Council. He was also a member of the Lytton Committee for Indian students in England ; and he was also a member of the Government of India Deputation (Paddison Commission) to South Africa. As we all know he took a prominent part and a great interest in all matters connected with education in Bengal and, generally speaking, the education of Indians. He was also a Substitute Delegate to the Assembly of the League of Nations in 1930 ; and he was for several years the President of the Incorporated Society of Law, Calcutta.

Sir I have yet to mention another name, that of Lala Fakir Chand, who was a Member of this House and whom I had the honour of knowing personally, having met him often outside the House ; and I think I am voicing the opinion of everybody here when I say that he always showed himself to be very frank in discussing the points he wanted to make against us, and he tried always to hear what we had to say against his views. Now, Sir, it is indeed sad that he is the fifth Member—and I think I am right in saying that he is the fifth Member of this House

who has died untimely. Sir, I request you that the families of all these gentlemen may be informed through you of our sense of sorrow and loss at their untimely deaths.

Mr. Bhulabhai J. Desai (Leader of the Opposition) : Sir, it is a melancholy thing, on the eve of the opening of the present Session, that the Leader of the House should have had to mention and convey to the House the regretful news of the deaths of some of our immediate colleagues as well as of some of those who were the predecessors in this Assembly.

With reference to Sir Basil Blackett, a tragic accident brought to an end one of the most eminent careers in the history of men who have occupied such positions as he did. Sir, I had not the honour of having a personal acquaintance with Sir Basil Blackett, but, nonetheless, during the course of many controversies over financial matters that interested this country, I was able to perceive the clarity of mind and steadfast—as far as in him lay—maintenance of the point of view of India's credit and strength. Sir, he established some conventions, which I hope and trust will not die with him, notwithstanding his official retirement from here and his physical death from the world now ; and I have not the smallest doubt that those conventions will continue to be obeyed and honoured in the spirit in which they were framed. Sir, I associate myself with the loss of that great man.

The next person we have to mourn is Sir Deva Prasad Sarvadhikary, who died full of years and also full of honours and whom I had the occasion to know, mainly on account of the profession to which he belonged. I knew him as an educationist, but undoubtedly more so as the President of the Incorporated Law Society of the Calcutta High Court. He was one of those who led a deputation with a desire that the different High Courts of India should cultivate a genuine, cordial, brotherly relationship of lawyers of all branches, and, among those who formed the deputation from his province to ours, we had great pleasure in having had the benefits of all his experience in the purpose of framing some of our rules on the Original Side of the High Court, but more so, on the broader aspects of the expeditious disposal of cases.

As regards Lala Fakir Chand, he was a gentleman of whom I cannot speak in terms adequate to this occasion because I deem it a personal loss. He was physically and mentally what he looked—a genuine stalwart in the maintenance of the traditions of the nationally-minded Members of this House. He always stood square and solid, and it is almost difficult to believe that he is not present here today. His reliability and loyalty were qualities which might be envied in any part of the House, and I am quite certain, they would receive unstinted recognition from any man to whichever side he belonged, as a man he distinguished himself by the part he played primarily in his profession of law, and, later on, in the public life which he represented here.

I join, Sir, with my Honourable friend, Sir Nripendra Sircar, in the tribute that he has paid to the departed who were associated with this Assembly in carrying on the great work of the legislation of this country.

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, on behalf of my friends of the Independent Party, I desire to associate ourselves with the motion of condolence which has been moved by the Honourable the Leader of the House.

[Mr. Abdul Matin Chaudhury.]

Sir Basil Blackett, whose accidental death we mourn today, was one of the most distinguished Finance Members that we have had in recent years. His achievement as a Finance Member has been quite remarkable. It was during his tenure of office that the cotton excise duty was abolished. It was due to his able management of finance that the provincial contributions were wiped out and he introduced many a reform in the financial administration of the country. The Reserve Bank Bill which he sponsored in this House was a more liberal measure than the one which we recently enacted. I had the privilege of serving under him as a member of the Public Account Committee of which he was an ideal and impartial chairman. He always welcomed searching scrutiny of accounts by the non-official Members and I am glad to notice that this tradition is being followed by his successors. He had numerous friends among the non-official Members of this House and we send our sincere condolences to Lady Blackett in her bereavement.

As regards Sir Deva Prasad Sarvadhikary, he was a member of one of the most highly cultured families of Bengal, and members of his family have distinguished themselves in many walks of public life. Sir Deva Prasad Sarvadhikary was a Vice-Chancellor of the Calcutta University. He held moderate views in politics and I think he was more an educationist than a politician. He was one of those distinguished and illustrious sons of Bengal whose name and fame for scholarship travelled far beyond the confines of the province and Bengal today is poorer intellectually by the loss of one of her eminent sons.

Lala Fakir Chand was a new Member of this Assembly. He was a Member of this Assembly only for one Session but during that Session he endeared himself to every section of the House by his sweet disposition and his charming manners. He was a very prominent member of the Bar and the speeches that he made showed evidence of his great legal knowledge.

Now, Sir, before I sit down, with your permission, I would like to make reference to the death of another Member of this House who was a member of our Party, the late Haji Abdulla Haji Qasim. Before he came to this Assembly, he was a Member of the Local Council. He was returned to the Local Council from the landowners constituency of Malabar—a joint electorate constituency—by an overwhelming majority. That shows, Sir, his popularity with every section of the population. He was a very philanthropically-minded man and in his own area in Malabar he started schools and dispensaries at his own expense. In the Assembly, he was a member of our Party in those days when we counted only eight members. He used to take very keen interest in advancing the cause of his constituency and I still remember how assiduously he tried to persuade the Railway Member to sanction a railway line through his constituency. His charity made no distinction between Hindus and Mussalmans or any other caste and I am told that when he died more Hindus followed the funeral bier than the Mussalmans. He was a very loving friend and, though he ceased to be a Member of the Assembly long long ago, every year on the *Id* day I used to receive *Id* greetings from him conveying his good wishes to us. I would request you, Sir, to convey to the members of his bereaved family a message of condolence from the Members of this House.

Sardar Sant Singh (West Punjab : Sikh) : Sir, on behalf of the Members of the Nationalist Party I wish to associate myself with all the sentiments that have been expressed by the Leader of the House, the Leader of the Opposition and other speakers about Sir Basil Blackett, Sir Deva Prasad Sarvadhikary, Haji Abdulla Haji Qasim and Lala Fakir Chand.

Sir Basil Blackett was one of those well-known Finance Members of this House whose achievements we are reading every day whenever financial discussions come up in this House. I had not the privilege of personal acquaintance with the first three gentlemen but from what I hear about them they were the sons of India of whom every Indian should be proud. As regards Lala Fakir Chand, he was with us only for a very short time—only during one Session—but he made himself very popular with all classes and with all sections of this House. His career at the Bar was a very distinguished one and the number of resolutions that have been passed by the Bar Associations of the various districts and other social and political bodies goes to show the amount of popularity that he enjoyed in his own province. Our Party has particularly lost a trusted Member and a distinguished lawyer whose advice the Party always followed with respect. I request you, Sir, to kindly convey the message of condolence from our Party to his bereaved family.

Mr. G. Morgan (Bengal : European) : Sir, on behalf of the European Group, I wish to associate myself with the resolution of condolence moved by the Leader of the House on the death of four distinguished Members of this Honourable House.

Sir Basil Blackett is too well-known, or, I should say, was too well-known, to need any words from me as to his distinguished activities. His tragic and untimely death has taken away a member from financial circles which will be very difficult to replace at this time. He was a very successful Finance Member of the Government of India ; he was also a Governor of the Bank of England and a Director of many large Associations and Corporations at Home. The Honourable the Leader of the House has given a more detailed list of his activities and accomplishments and it is not necessary for me to say more on behalf of the European Group than this that we associate ourselves with everything that has fallen from the Honourable Members who preceded me.

Sir, Sir Deva Prasad Sarvadhikary was a personal friend of mine, and I deplore his death very much. As my Honourable friend, Mr. Abdul Matin Chaudhury, said, he was more of an educationalist than a politician. He and I were members of the Calcutta Corporation for some years, and I found his advice on many matters most invaluable. His is a very great loss indeed to the community on that side of India.

Lala Fakir Chand was a distinguished pleader in the Punjab. Though I cannot claim to have had any close acquaintance with him, I think my Honourable friend, Sardar Sant Singh, has said all that is necessary to say. In regard to Haji Abdulla Haji Qasim, I am afraid I cannot claim having had any personal acquaintance with him, but I should like to associate the European Group with all that has been said by Honourable Members. I would ask you, Sir, to forward to the members of the bereaved families our deepest sympathy in their bereavement.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : Sir, in the sad and tragic end of Sir Basil Blackett, I mourn the

[Sir Abdul Halim Ghuznavi.]

loss of a dear personal friend, a great financier and a sincere well-wisher of India.

Sir Basil Blackett, as the Finance Member of the Viceroy's Executive Council, was certainly the centre of a great deal of controversy, as every person, having strong opinions, is bound to have, but, notwithstanding the same, his personal popularity with the Members of this House as well as the Indian business world outside grew from more to more as they recognised his sincerity of purpose and the value of his achievements. He displayed considerable independence of judgment in matters of public finance, and his claim to rank as Swarajist in matters financial was well-founded because of his determination to make India the dictator of her own finance. The separation of railway finance from the general budget was one of his best achievements. The education of the standing committees of the House in their powers was also another achievement of great importance. His sympathy with the political aspirations of India was well-known and was expressed more than once on the floor of this House. This sympathy he carried to his new spheres of activity in the United Kingdom. In his death the other day under tragic circumstances, India, determined to win self-rule, has lost one of her distinguished supporters and those of us who had the privilege of knowing him intimately a personal friend of great charm.

Sir, our deep sympathy goes to the desolate widow, Lady Blackett. No words of ours, no human sympathy can console her in her affliction, but, when she will know that this House mourns her husband's loss where he had been at one time such a popular and prominent figure, it will undoubtedly lighten the burden of her intense grief.

Sir, in the death of Sir Deva Prasad Sarvadhikary, I have lost another personal and dear old friend. We have known each other for very many years. His father was one of the distinguished doctors in Bengal who was our family physician. His zeal for temperance movement was well-known. Bengal has lost in his death one of her noble sons who had throughout worked and dedicated his life for the benefit and uplift of the province.

In the death of Lala Fakir Chand, we have lost one of our sitting colleagues. When I first made his acquaintance in this House, I felt what charming manners he had.

I have not had the honour of knowing Haji Abdulla Haji Qasim, but from what I heard from the Deputy Leader of the Independent Party, I have no hesitation to associate myself with all that he has said about the late Mr. Haji Abdulla Haji Qasim.

With these words, I associate myself with what has fallen from the Honourable the Leader of the House and with other Honourable Members who have just spoken.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, Lala Fakir Chand was my personal friend. During the short interval he was a Member of this Assembly, he showed himself to be very obliging and social. In a short time, he made friends with me, and I am sorry to see that I do not see him in the House today. Lala Fakir Chand made himself popular during the brief stay in the House. I pay tribute to his

memory, not only because he was my personal friend in the House, but also because he belonged to the same profession to which I have the honour to belong. In the House he showed himself to be very proficient in subjects relating to law. I express my full sympathy with his bereaved family.

As regards the other three Members, I express the same feelings of sympathy with their families. I did not know personally Sir Basil Blackett, but from the records he left behind of his work in the Assembly, I can say he was a very hard worked Member and was a very able man. We are, therefore, sorry to lose him. As regards the other two Members, I associate with what has fallen from the lips of other Honourable Members, and I would request the Chair to convey our sympathies to the bereaved families.

The Honourable Sir Nripendra Sircar : I have just to say one word, and, that is, I wish to associate myself entirely with what has fallen from my Honourable friend, Mr. Abdul Matin Chaudhury, as regards the late Haji Abdulla Haji Qasim.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions : Non-Muhammadian Rural) : My Honourable friend, Sardar Sant Singh, has already spoken on behalf of the Congress-Nationalist Party, and, therefore, I should not be justified in speaking again for that Party, but, at the same time, I feel that I would be failing in my duty if I did not say a word or two about Sir Deva Prasad Sarvadhikary, coming as I do from Bengal. Sir, I had the pleasure and honour of working with him as a colleague in the Bengal Legislative Council in the pre-reform days. Whenever he took part in the debates of the House, the whole House listened to him with great attention and respect. He was a great leader of men, and, although I did not belong to the same school with him in politics, I had the highest respect for his character, for his courage of conviction and for his honesty of purpose. His death will certainly be a great loss to Bengal, and, for the matter of that, to India.

Mr. President (The Honourable Sir Abdur Rahim) : It will be my mournful duty to convey the sense of loss of this House which has been expressed by the Leader of the House, the Leader of the Opposition and the other Honourable Members, to the bereaved members of the families of the deceased gentlemen, Sir Basil Blackett, Sir Deva Prasad Sarvadhikary, Lala Fakir Chand and Haji Abdulla Haji Qasim. It has also been brought to my notice that another gentleman died recently who was a Member of this House, Mr. Sesha Ayyangar of Madras. At almost every Session, this House has to mourn the loss of some Member or other, and, on this occasion, we mourn the loss of no less than five gentlemen who were Members of this House at one time or another, including one sitting Member.

I do not desire to add anything to what has already been said regarding Haji Abdulla Haji Qasim by the Honourable Members who knew him.

As regards Sir Basil Blackett, his distinguished career as an exponent of finance is well-known, and his unfortunate death at an age when he was still capable of rendering great services to his nation is mourned by every one who knew him or was acquainted with the work that he did.

Sir Deva Prasad Sarvadhikary I knew very well. He belonged to a distinguished family which produced men who rendered considerable

[Mr. President.]

public service in Bengal. Sir Deva Prasad Sarvadhikary himself devoted his whole lifetime to public service in addition to the duties he had to discharge in his professional capacity, and, I am sure, his death will be specially mourned by Bengal.

Lala Fakir Chand was a sitting Member, and, as has been stated by the Leader of the House, during the short time he was a Member of this House, he commanded the respect of the House by his moderation, and, at the same time, by the frank manner in which he dealt with the questions that came up here.

As I said before, it will be my duty to communicate to the bereaved members of the families of these gentlemen the sincere condolences of this House.

QUESTIONS AND ANSWERS.

CONDITION OF POTATO-GROWERS IN SIND.

1. *Sir Ghulam Hussain Hidayatallah : Will Government be pleased to state :

(a) if they have received a representation from the Sind Provincial Co-operative Bank, inviting attention to the condition of potato-growers in Sind, and praying for certain relief for this industry in that province ; and

(b) if so, what action they have taken or propose to take in the matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b) Government were unable to agree to the proposals made by the Bank.

Sir Ghulam Hussain Hidayatallah : Will the Honourable Member state the reasons ?

The Honourable Sir Muhammad Zafrullah Khan : The reason was that the request preferred by the bank was not found to be supported by the merits.

Mr. Lalchand Navalrai : Has the Agricultural Department in Sind taken any interest in potato-growing ?

The Honourable Sir Muhammad Zafrullah Khan : It is for the Agricultural Department in Sind to say.

Mr. Lalchand Navalrai : Has the Honourable Member no information about that ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I have nothing to add to what I have stated.

Mr. Lalchand Navalrai : What are the reasons for not adding ? (Laughter.)

CONSTRUCTION OF A RAILWAY LINE BETWEEN JOHI IN THE DADU DISTRICT AND OTHER PLACES IN SIND.

2. *Sir Ghulam Hussain Hidayatallah : Will Government be pleased to state :

(a) if there is any project for the construction of a railway line between Johi in the Dadu District in Sind and other places in Sind ;

(b) if so, whether that project is to be taken in hand and if so, when ; and

(c) if the reply to part (a) be in the negative, whether Government are prepared to consider the advisability of such a project ?

Mr. P. R. Rau : (a) No.

(b) Does not arise.

(c) This suggestion has already been examined and it has been found that the project is not likely to be remunerative.

Mr. Lalchand Navalrai : Does the Honourable Member remember having given us an assurance that, after the publication of the Stubbs Report, the people of Sind will be given an opportunity of expressing their views ?

Mr. P. R. Rau : I do not remember that I gave an assurance about this particular case ; I thought it was the Bombay-Sind connection. But the people of Sind have still an opportunity of having their say.

Mr. Lalchand Navalrai : To the Railway Board or to whom ?

Mr. P. R. Rau : To the Government of India.

PERMITS FOR MOTOR TRANSPORT BETWEEN DEHRA DUN RAILWAY STATION AND MUSSOORIE.

3. ***Qazi Muhammad Ahmad Kazmi :** (a) Will Government be pleased to state whether it is a fact that in previous years permits to the agents of various motor agencies, to visit the Dehra Dun Railway Station at the time of trains, were granted for the whole year ?

(b) Is it a fact that this year the permits to such agents have been granted for one month only, and that one company has been given two permits instead of one ?

(c) If the answer to part (b) be in the negative, will Government be pleased to state the reasons on account of which this change has been made and preferential treatment given to one company ?

(d) If the answer to part (b) be in the affirmative, will Government be pleased to state whether representations from other companies, or individuals, have been received against the grant of this preferential treatment and offering to work on the same terms as those offered by the Gwalior Motor Transport Company ?

(e) Has it been brought to the notice of Government that the creation of monopoly for motor transport between the Dehra Dun Railway Station and Mussoorie will take away the advantages of healthy competition from the travelling public, and will be prejudicial to the large number of agencies and individuals working in Dehra Dun and Mussoorie ?

(f) Are Government prepared to consider these suggestions and drop the proposal of giving the monopoly or 'the most favoured treatment' to the Gwalior and Northern India Motor Transport Company ?

(g) Has there been any correspondence regarding the grant of monopoly between Government and the Gwalior and Northern India Motor Transport Company ?

(h) If the answer to part (g) be in the affirmative, will Government please lay that correspondence on the table of this House ?

(i) If Government have decided upon the creation of monopoly, will they please state whether the right of such monopoly will be given by

inviting tenders or some other method ? If the latter, will Government please state what that method is ?

Mr. P. R. Rau : (a) Yes.

(b) and (c). The Agent, East Indian Railway, states that as negotiations were in progress for the introduction of a co-ordinated rail and road service between Dehra Dun and Mussoorie, it was considered advisable, pending completion of the negotiations, to issue monthly permits instead of yearly ones. A second permit was given to one Company through a misunderstanding and was withdrawn ten days later.

(d) A representation was received by the Administration from one Company.

(e) and (f). There is no question of creating a monopoly. All that the East Indian Railway Administration did was to arrange with one company for direct booking between Mussoorie and all railway stations. This was done with the approval of the Local Government and was intended to promote the convenience of passengers who wished to avail themselves of it. The Railway Administration's enquiries showed that there were no other concerns of sufficient standing with whom they could consider entering into negotiations. There is nothing in the proposed arrangement which precludes passengers, who do not wish to book through, from availing themselves of the services provided by other Transport Companies who will be given similar facilities for parking their vehicles in the station area.

(g) No.

(h) Does not arise.

(i) As I have already explained, the Railway have not granted a monopoly nor are they in a position to do so.

RESTRICTIONS ON THE IMPORT OF INDIAN GOODS INTO ITALY.

4. ***Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether they have been carrying on negotiations with the Government of Italy with respect to the restrictions on the import of Indian goods into their country ?

(b) Are Government carrying on these negotiations directly or through Great Britain ?

(c) Are Government aware of the Anglo-Italian Pact, in which the Government of Italy have conceded that 80 per cent of the British goods will be allowed into Italy ?

(d) At what stage are the negotiations between the Indian Government and the Italian Government ?

(e) What are the results of the negotiations ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b), (d) and (e). When the Government of India learnt of the new import régime imposed in February last by the Government of Italy against imports of all origins into Italy, they made immediate representations through His Majesty's Government asking that the restrictions thereby imposed should be relaxed so far as Indian goods were concerned, pending the completion of the negotiations for a trade agreement which were then under contemplation. It has not been possible to secure an assurance of the nature asked for from the Italian Government, but the Honourable Member will see from the Monthly Accounts of Sea-borne Trade of

India that India's export trade to Italy has not been seriously affected. The Government of India continue, however, to watch the situation and will lose no opportunity of making further representations when such can usefully be made.

(c) Yes, Sir.

Prof. N. G. Ranga : Through which officer of the Government of India have they made these representations to the Government of Italy ?

The Honourable Sir Muhammad Zafrullah Khan : The Commerce Department.

Mr. S. Satyamurti : Are negotiations going on between this Government and the Government of Italy, direct ?

The Honourable Sir Muhammad Zafrullah Khan : I should like to know what the significance of " direct " is.

Mr. S. Satyamurti : Direct means direct, and not through Downing Street

The Honourable Sir Muhammad Zafrullah Khan : Not through Downing Street.

Mr. S. Satyamurti : May I know at what stage negotiations are standing now at this moment so far as the Honourable Member's knowledge goes ?

The Honourable Sir Muhammad Zafrullah Khan : I have already explained in my reply that the negotiations are not proceeding, because the assurances asked for were not forthcoming from the Italian Government.

Mr. S. Satyamurti : Has the matter been dropped since the negotiations have failed and have the Government of India accepted the defeat ?

The Honourable Sir Muhammad Zafrullah Khan : The matter has not been dropped, but the negotiations are not for the moment proceeding.

Mr. S. Satyamurti : At what stage, therefore, are the negotiations standing ? In a state of suspended animation ?

The Honourable Sir Muhammad Zafrullah Khan : I have already explained the situation.

Mr. T. S. Avinashilingam Chettiar : Reference has been made to a pending trade agreement with Italy : may I know what is that trade agreement ?

The Honourable Sir Muhammad Zafrullah Khan : I have made no reference to a pending trade agreement with Italy.

Mr. T. S. Avinashilingam Chettiar : In the reply, there is a reference to a pending trade agreement.

(No answer was given)

IMPORTS FROM INDIA BANNED BY ROUMANIA.

5. ***Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether they are aware that Roumania has banned all imports from India ?

(b) What is the cause of this ban ?

(c) Have Government been negotiating with the Government of Roumania ?

(d) What are the results of the negotiations ?

(e) In case Roumania does not agree to remove the ban on Indian goods, are Government prepared to put a similar ban on imports of Roumanian goods into India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Restrictions were recently imposed by the Roumanian Government on the import of Indian goods into Roumania under the impression that the balance of trade between the two countries was in favour of India.

(c) and (d). On representations being made to the Roumanian Government that the balance of trade was not in India's favour that Government have since permitted the issue of import licences for goods coming from India.

(e) Does not arise.

Mr. S. Satyamurti : On what basis are these licences for imports issued ?

The Honourable Sir Muhammad Zafrullah Khan : Under these import licences, India is getting unrestricted exports into Roumania. The question, therefore, does not arise.

Mr. S. Satyamurti : What is the meaning of this statement that licences are being issued ?

The Honourable Sir Muhammad Zafrullah Khan : Roumania has introduced a system by which imports into Roumania from other countries must be made under import licences. Import licences had been refused in the case of India except to a very small extent : but, on representations being made, Indian exports into Roumania have been permitted on the original basis.

COUNTRIES WITH BANNED OR RESTRICTED IMPORTS FROM INDIA.

6. ***Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state which countries have either banned or restricted imports from India ?

(b) What are the causes for such bans and restrictions ?

(c) Have Government been negotiating with any of those countries for the removal of these bans and restrictions ?

(d) What are the results of these negotiations ?

(e) In case these countries do not agree to remove these bans and restrictions on Indian goods, are Government prepared to restrict the imports of goods from those countries into India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Several foreign countries have introduced restrictive measures against imports of various kinds from other countries. These measures are not directed specifically against India but apply generally to all countries. The more important countries from the point of view of India's export trade which have imposed such restrictions are Germany, Italy, Turkey and Iran.

(b) The restrictions have, generally speaking, been imposed by those countries for the purpose of safeguarding their industrial and monetary interests.

(c) Representations have been made in respect of India's trade relations with Italy, Turkey and Iran.

(d) As regards Italy, I would invite the Honourable Member's attention to the reply given by me today to his starred question No. 4. Negotiations with regard to Turkey and Iran are still in progress.

(e) The question is engaging the attention of the Government of India and such action as may be found necessary and desirable will be taken to safeguard India's export trade with the countries in question.

Mr. Sami Vencatachelam Chetty : Is it a fact that the guiding principle of these restrictions is that India is not taking the exported articles from those countries ?

The Honourable Sir Muhammad Zafrullah Khan : India is buying exported articles from those countries

Mr. Sami Vencatachelam Chetty : In regard to the restrictions imposed by several foreign countries, is it or is it not a fact that the guiding principle of these restrictions is that India is not buying their manufactured goods ?

The Honourable Sir Muhammad Zafrullah Khan : I have already replied to that question. India is buying from them.

Mr. S. Satyamurti : Have Government examined the question whether these bans and restrictions are due, wholly or partially, to the Ottawa preferences ?

The Honourable Sir Muhammad Zafrullah Khan : Government are of the view that that implication is not justified

Mr. S. Satyamurti : What are the reasons of the Government, and what is the expert advice on which Government have come to that conclusion ?

The Honourable Sir Muhammad Zafrullah Khan : Government have taken no expert advice, but have examined the course of trade between those countries and India and have come to the conclusion that the present state of affairs is due to the difficulties of those countries themselves with regard to their trade and monetary position and is not due to the Ottawa Agreement.

Mr. S. Satyamurti : What is the reason as to why Government have come to the conclusion that, in spite of the Imperial Preference given to British and British Empire goods, as against these countries' goods, still that preference has not been, in part at least, responsible for these bans and restrictions ?

The Honourable Sir Muhammad Zafrullah Khan : That is a matter of opinion, but the examination of this question by the Government of India leads them to the conclusion that it is not due to the operation of Imperial Preferences.

Dr. N. B. Khare : Is it not a fact that these bans were imposed only after the imposition of the Ottawa Agreement ?

The Honourable Sir Muhammad Zafrullah Khan : That involves a comparison of dates which Honourable Members can very well make for themselves.

Seth Govind Das : Do Government not think it proper to have this matter examined with the help of expert advisers ?

The Honourable Sir Muhammad Zafrullah Khan : Government always consider these questions with such advice as may be necessary with reference to each question as it arises.

Prof. N. G. Ranga : What is the percentage loss of export trade after all these restrictions were imposed ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I could not say offhand.

Mr. S. Satyamurti : With reference to clause (c), may I know if the Government propose to take the ameliorative action which this question asks ?

The Honourable Sir Muhammad Zafrullah Khan : As I have already said, Government have the position under examination. With regard to some countries, action has already been taken with regard to some, negotiations are going on, and, with regard to others, such action as will be justified will be taken when the time comes.

Prof. N. G. Ranga : With regard to these representations, have Government made them only through correspondence or have they sent any of their special representatives to carry on these negotiations with other countries ?

The Honourable Sir Muhammad Zafrullah Khan : No special representatives have been sent to carry on these negotiations.

Prof. N. G. Ranga : Is it not a fact that every other country sends representatives in similar circumstances to other countries ? And, if so, does it stand to reason that the Government of India should do the same ?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware of that.

Dr. T. S. S. Rajan : May I know where the negotiations with Germany stand at present ?

The Honourable Sir Muhammad Zafrullah Khan : I have not said that we are carrying on any negotiations with Germany.

Pandit Lakshmi Kanta Maitra : May I know whether these bans were imposed after the Ottawa Agreement ?

The Honourable Sir Muhammad Zafrullah Khan : I have already replied to that.

Pandit Lakshmi Kanta Maitra : What are these countries which have imposed these bans and restrictions with which the Government of India are not carrying on any negotiations at all ?

The Honourable Sir Muhammad Zafrullah Khan : That is perfectly clear from the replies that I have given.

Mr T. S. Avinashilingam Chettiar : Why have no negotiations been opened with Germany, when negotiations are carried on with other countries ?

The Honourable Sir Muhammad Zafrullah Khan : Government consider that the stage has not yet arrived when it would be useful to open these negotiations with Germany.

Mr. T. S. Avinashilingam Chettiar : When do you think it will come ?

The Honourable Sir Muhammad Zafrullah Khan : I could not answer that question.

Pandit Lakshmi Kanta Maitra : I simply wanted to know whether these bans were imposed as a matter of sequence after the conclusion of the Ottawa Agreement.

The Honourable Sir Muhammad Zafrullah Khan : I have answered that question already.

Mr. Mohan Lal Saksena : Have these countries imposed bans on other countries besides India ?

The Honourable Sir Muhammad Zafrullah Khan : Yes.

TRANSFERS OF BRITISH OFFICERS IN THE REMOUNT DEPARTMENT.

7. *Qazi Muhammad Ahmad Kazmi : (a) Is it a fact that in the Remount Department there are some British officers who have been posted to one station continuously for four years and more ?

(b) Will Government be pleased to state the names of those officers, and the reason why the officers have not been transferred after the period of four years ? Is not the posting of those officers at one place for such a long time against paragraph 36 of the Regulations for the Army in India ?

(c) Will Government be pleased to state whether it is a fact that under that Regulation, all military troops and officers are bound to be transferred from one station to another after the period of four years, and if so, why the Remount Department does not comply with the Regulation ?

(d) Do Government propose to take action under that Regulation and transfer those officers who have been posted to one station for more than four years ?

(e) Is it a fact that there are several superior employees, such as head clerks, godown-overseers, and A. F. Os. who have not been transferred from one place to another for more than twelve years ?

Mr. G. R. F. Tottenham : (a) Yes, there are three.

(b) to (e). The rule quoted by the Honourable Member applies to staff officers only. There are no definite rules to governing the postings of departmental personnel, but the Honourable Member can rest assured that the military authorities are fully aware of the dangers as well as the advantages of keeping their servants for considerable periods in one place.

RESTRICTION OF IMPORTS INTO INDIA.

8. *Mr. T. S. Avinashilingam Chettiar : (a) Will Government state whether they are aware :

(i) that the figures for exports and imports of India for the year 1933 are 135 crores and 132 crores, respectively, and that the

figures for exports and imports for the year 1934 are 149 crores and 115 crores, respectively, and that the balances of trade in our favour are only three crores and 31 crores respectively for the years 1933 and 1934 ;

(ii) that about 40 crores of rupees are being spent by the Government of India every year in England ; and

(iii) that, besides these, there is an invisible drain from this country by way of moneys sent by European officers and trade concerns ?

(b) Have Government made any attempts to stop this drain ? If so, what ?

(c) Are Government aware that countries similarly situated, are seeking to set right their balance of trade by restricting imports from other countries ?

(d) Are Government prepared to consider the advisability of restricting imports into this country ? If not, why not ?

The Honourable Sir James Grigg : (a) (i). Yes.

(ii) About 35 crores.

(iii) A certain amount of money is remitted by European officers and trade concerns but no reliable figures are available

(b) It is true that at present the balance of trade in merchandise is not sufficient to meet items (ii) and (iii) above, and that a portion is met by sales of gold. I have explained fully to the House my views about the export of gold in my speech introducing the Budget for 1935-36 and in my reply to the general discussion on the Budget.

(c) and (d) I am aware that some countries have tried to set right their balance of trade by restricting imports, but there is ample evidence to show that by doing so they have increased their own difficulties as well as the difficulties of other countries. I would invite the attention of the Honourable Member in this connection to the Review of World Trade, 1934, published by the League of Nations, a copy of which is in the Library of the Legislature

Mr. M. Ananthasayanam Ayyangar : Since the last Budget speech, 12 Noon has the Honourable Member reviewed the position and found whether further export of gold is for the best interests of India ?

The Honourable Sir James Grigg : I am constantly reviewing the position.

Mr. M. Ananthasayanam Ayyangar : Is the Honourable Member going to be of the same opinion until the last piece of gold is exported from India ?

The Honourable Sir James Grigg : I never said anything of the sort.

Mr. T. S. Avinashilingam Chettiar : What steps do Government propose to take to stop the further export of gold from India ?

The Honourable Sir James Grigg : I have already answered that question.

Mr. S. Satyamurti : May I know whether the Honourable the Finance Member is considering the question of the reduction or abolition of sterling loans, by raising loans here, so as to partially at least reduce the drain of wealth from this country ?

The Honourable Sir James Grigg : I think it is safe to say that whenever it is advantageous to do so, other things being equal, I should always prefer to raise money here rather than in London.

Mr. S. Satyamurti : To pay off the sterling loans ?

The Honourable Sir James Grigg : That can only be done on maturity and it is considered in connection with each individual maturity.

MONEY SENT OUT OF INDIA AND MONEYS SPENT IN ENGLAND BY THE GOVERNMENT OF INDIA.

9. ***Mr. T. S. Avinashilingam Chettiar :** Will Government state :

- (a) the amounts of money sent out of this country by European officers receiving salaries in this country during the years 1928-29 and 1934-35 ,
- (b) the amounts of profits sent by British and other foreign companies trading in India, outside the country during the years 1928-29 and 1934-35 ; and
- (c) the total amount of moneys spent by Government (including the Army expenditure, etc.) in England and other foreign countries during the years 1928-29 and 1934-35 ?

The Honourable Sir James Grigg : (a) and (b). No reliable figures are available

(c) The figures for expenditure in England for 1928-29 are given in the Finance and Revenue Accounts for that year, copies of which are in the Library of the House. Final figures for 1934-35 are not yet available. The revised estimate for that year is given in the budget papers circulated to the Honourable Members. The figures of expenditure in foreign countries are not separately shown

Mr. T. S. Avinashilingam Chettiar : Can the Honourable Member give us approximate figures ?

The Honourable Sir James Grigg : The Honourable Member had better refer to the documents I have mentioned.

Mr. B. Das : With reference to part (b) of the question, if the Honourable Member does not know what amount of money foreign companies are sending out, how does he assess his income-tax on them ?

The Honourable Sir James Grigg : I think he should address that question to the representative of the Income-tax Department.

Mr. A. H. Lloyd : I think the answer to that question is, we do not assess in India on the amount of income which persons export, but on the total amount of their earnings

Mr. B. Das : So no party escapes you.

INCREASE IN THE IMPORT DUTIES ON PADDY AND FOOD STUFFS IMPORTED
FROM INDIA INTO CEYLON.

10. ***Mr. T. S. Avinashilingam Chettiar** : (a) Are Government aware :

(i) that the Ceylon Government have recently increased the import duties on paddy and food stuffs, such as eggs, vegetables and ghee, imported from India into Ceylon ; and

(ii) whether *copra* from Ceylon is being given a preferential treatment in India ?

(b) Have Government opened up any negotiations with a view to getting preference for the import of Indian goods into Ceylon ?

(c) What is the result of the negotiations ?

(d) Is it a fact that the Ceylon Government have refused to give preference to Indian articles, and if so, are Government prepared to consider the advisability of withdrawing the preference that is being given to *copra* from Ceylon ?

The Honourable Sir Muhammad Zafrullah Khan : (a) (i). The Ceylon Government have recently, increased the import duties on certain food stuffs such as eggs, vegetables and ghee. There has been no increase in the duty on paddy.

(ii) Yes.

(b) The Government of India have been in communication with the Government of Ceylon on the subject of the grant of preferences to Indian goods on import into Ceylon.

(c) and (d). The negotiations have not yet been concluded.

Prof. N. G. Ranga : With reference to the answer given to part (ii) of the question, are Government aware that there is a considerable amount of distress prevailing in Malabar and other parts of India as a result of the dumping of Ceylonese *copra* into this country ?

The Honourable Sir Muhammad Zafrullah Khan : Without admitting all the implications contained in the question, I can state that representations have been received to that effect.

Prof. N. G. Ranga : Are the Government of India aware of the fact that the preferential treatment given to Ceylonese *copra* is also one of the contributory factors for the distress of *copra* growers in this country ?

The Honourable Sir Muhammad Zafrullah Khan : That may be true.

Prof. N. G. Ranga : In view of that position, are the Government of India prepared to review the position in regard to the preferential treatment given to Ceylonese *copra* ?

The Honourable Sir Muhammad Zafrullah Khan : As I have said, the Government of India are in communication with the Government of Ceylon.

Prof. N. G. Ranga : How long have the Government of India been in communication with the Ceylonese Government over this question ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say that off hand.

Prof. N. G. Ranga : Is it not a fact that, during the last Budget Session, we were told again and again that the Government of India were in communication with the Government of Ceylon, and yet how is it that nothing has been done so far ?

The Honourable Sir Muhammad Zafrullah Khan : That is a conclusion to be drawn by the Honourable Member.

Dr. T. S. S. Rajan : Are Government aware that dried fish from Malabar is liable to an import duty in Ceylon ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I could not answer that without notice.

COMMISSION OF ENQUIRY TO SETTLE THE BURMA-YUNNAN FRONTIER.

11. ***Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether it is true that notes have been exchanged between the Chinese and the British Governments to appoint a Commission of Enquiry to settle the Burma-Yunnan frontier ?

(b) Who will be the members of the Commission of Enquiry ?

(c) Will the Burman and the Indian Governments and the Legislatures be consulted before a final conclusion is come to ?

Mr. J. G. Acheson : (a) and (b). Yes I invite the Honourable Member's attention to the Press Communiqué published by the Government of India on the 12th July, 1935.

(c) Both the Government of India and the Government of Burma have been consulted at all stages by His Majesty's Government. The Government of India are associated with the latter in an Agreement already reached with the Chinese Government by an Exchange of Notes, the texts of which have been published by the Government of India in their Press Communiqué, dated the 18th April, 1935, for the appointment of a Joint Boundary Commission with a Neutral Chairman, and will be consulted in regard to any points which may be left outstanding by the Commission and forming the subject of further negotiations with the Chinese Government.

Mr. S. Satyamurti : What is the answer to part (c) of the question—will the Burman and Indian Legislatures be consulted, before final conclusions are reached ?

Mr. J. G. Acheson : I regret I have nothing to add to what I have already said.

Mr. S. Satyamurti : There is no answer to that.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member said that he was not prepared to give any further information.

Mr. J. G. Acheson : I think I have already sufficiently answered this question.

Mr. S. Satyamurti : The Honourable Member has not answered my question.

NEGOTIATIONS WITH THE PRINCES IN REGARD TO THE COMING FEDERATION.

12 **Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether Government are carrying on any negotiations with the Princes in regard to the coming Federation ?

(b) If so, what are the results of these negotiations .

The Honourable Sir Nripendra Sircar : (a) Not at present.

(b) Does not arise.

Mr. S. Satyamurti : Have the Government of India no information about the visit of Mr. Monckton who is carrying on negotiations on behalf of Hyderabad and various other Indian States ?

The Honourable Sir Nripendra Sircar : I am not prepared to answer that question. If the question is, are we carrying on negotiations, the answer is, no, we are not carrying on any negotiations.

Mr. S. Satyamurti : I am asking whether the Government of India are aware that negotiations are being carried on, through Mr. Monckton ?

The Honourable Sir Nripendra Sircar : We are not carrying on negotiations through anybody, whether through Mr. Monckton or Mr. Foxton.

Mr. S. Satyamurti : Have the Government of India any knowledge of the meeting of the Indian Princes in Bombay, to present Sample Instruments of Accession to His Majesty's Government and ask for their opinion, and then decide whether or not to join the Federation ?

The Honourable Sir Nripendra Sircar . I submit, Sir, that is not a supplementary question. The question is whether we are carrying on any negotiations, and the reply is " No "

Dr. N. B. Khare : Have you finished negotiations ?

The Honourable Sir Nripendra Sircar : You cannot finish a thing which is not begun

Mr. Lalchand Navalrai : Can the Honourable Member tell me if the Government of India have no knowledge of the fact that the Secretary of State has been carrying on these negotiations ?

The Honourable Sir Nripendra Sircar : If my Honourable friend is really curious about it, I would ask him to put down a question.

Mr. Lalchand Navalrai : I think I should make myself clear.

The Honourable Sir Nripendra Sircar : If the Honourable Member will put down a question, I shall try to answer it. I have not come prepared to answer it now.

Mr. Sri Prakasa : Does the Honourable the Law Member say that Government never began any negotiations with the Indian Princes on this point ? Did the Honourable Member say that you cannot finish a thing that never began ? I ask whether negotiations really never began ?

The Honourable Sir Nripendra Sircar : If my Honourable friend will look at the form of the question, he will see it is stated here " whether Government are carrying on any negotiations with the Princes ", and the reply is, as I have said, there are no negotiations going on at present.

Mr. Sri Prakasa : I am referring to the Honourable Member's reply to the supplementary question that was asked.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has said that no negotiations are being carried on.

INDIAN ARMY CADETS AND REFRAMING OF THE LIST OF MARTIAL CLASSES.

13 ***Mr. Lalchand Navalrai :** (a) Has the attention of Government been drawn to the views of the *London Times* correspondent, republished in the *Sind Observer* of Karachi, dated the 17th April, 1935, under the heading 'Praise for Indian Army Cadets'?

(b) Do Government propose to revise the policy of considering only some Indian castes to be fighting people? If so, do Government propose to reframe the list of martial classes in India? If not, why not?

Mr. G. R. F. Tottenham : (a) Yes.

(b) There is no list of 'martial' classes.

Mr. Lalchand Navalrai : What is a fact, Sir, whether, in practice, people are taken from non-martial classes or from all classes?

Mr. G. R. F. Tottenham : I have often answered that question in this House. We recruit for the army those people whom we consider are likely to make the best soldiers.

Pandit Lakshmi Kanta Maitra : Did the Honourable Member say that there is no scope in the army for non-martial classes?

Mr. G. R. F. Tottenham : I did not say that.

Pandit Lakshmi Kanta Maitra : May I know if a revision of the martial classes is made from time to time, and is there any revision list?

Mr. G. R. F. Tottenham : Every now and then we stop recruiting from classes from whom we have recruited in the past. We do not revise the list of martial classes, because there is no such list.

Pandit Lakshmi Kanta Maitra : Are the lists of particular martial classes revised or not, and at what intervals are they revised?

Mr. G. R. F. Tottenham : I say there is no such list. According to our experience of the results we get, we may from time to time alter the classes we recruit from, but there is no fixed interval at which that is done, nor are there any rules on the subject.

Pandit Lakshmi Kanta Maitra : May I know when the revision was last made?

Mr. G. R. F. Tottenham : There is no such revision.

Mr. Sri Prakasa : Is there any discrimination about castes by birth, either for or against?

Mr. G. R. F. Tottenham : No.

Captain Sardar Sher Muhammad Khan : Is there any list maintained in the Army Headquarters of martial classes?

Mr. G. R. F. Tottenham : There is no list of martial classes. I have said that about four times.

MODIFICATION IN THE CARDWELL SYSTEM.

14. ***Mr. Lalchand Navalrai** : (a) Are Government aware that officers in India are now emphatic in saying that the Cardwell system has become a dangerous anachronism in its present form and that they ask for its modification ?

(b) Do Government propose to take any step in this direction ? If so, what ? If not, why not ?

Mr. G. R. F. Tottenham : (a) and (b). No.

Mr. Lalchand Navalrai : May I know if, when the selection takes place for the Dehra Dun Academy, discrimination is being made between martial classes and non-martial classes ?

Mr. G. R. F. Tottenham : That has nothing whatever to do with the present question.

Mr. Lalchand Navalrai : The first part of the question says that officers in India are now emphatic in saying that the Cardwell system has become a dangerous anachronism, and my query is whether this affects the recruitment to the Dehra Dun Academy or not.

Mr. G. R. F. Tottenham : The Cardwell system has nothing whatever to do with the Indian Military Academy.

AMENDMENT OF SECTION 61 OF THE INDIAN INCOME-TAX ACT.

15. ***Mr. Lalchand Navalrai** : (a) Will Government be pleased to state what steps they have taken towards amending section 61 of the Income-tax Act XI of 1922 by restricting the scope of the section regarding representation by persons on behalf of the assesseees ?

(b) Do Government remember that year before last when the Income-tax Act was being amended, the amendment of this section was under contemplation but Sir George Schuster the then Finance Member, kept it in abeyance for further consideration ?

(c) Are Government aware that the wide scope of the section is doing a great disservice to the assesseees and the public ?

(d) What materials and opinions have Government collected since the last amendment of the Income-tax Act with respect to the amendment of this section ? Will Government be pleased to place them on the table ?

(e) When do Government propose to amend this section ?

Mr. A. H. Lloyd : (a), (b) and (d). A clause proposing the amendment of section 61 of the Indian Income-tax Act, 1922, was included in the Bill which passed into law as the Indian Income-tax (Second Amendment) Act, 1930. The clause was deleted by the Select Committee with the recommendation that the various suggestions made in that Committee should be further considered by Government and that definite proposals should be formulated thereon and circulated for opinion before legislation was undertaken. The Government of India accepted this recommendation and circulated revised proposals to Local Governments in April, 1930. A mass of widely divergent opinions was received and the Government of India after considering these opinions decided to leave the subject in

abeyance. The correspondence on this circular reference amounts to 100 printed foolscap pages and it would be inconvenient to place it on the table of the House ; but I will, if desired, have a copy of the correspondence placed in the Library.

(c) This is a matter upon which opinion is divided.

(e) I am unable to make any statement in answer to this part of the question

Mr. Lalchand Navalrai : I am thankful to the Honourable Member for offering to keep a copy of the correspondence in the Library, but I should like to know from him, if the question is still in abeyance, when it is going to be decided

Mr. A. H. Lloyd : The question will be decided when it is called out of abeyance.

Mr. Lalchand Navalrai : When will it be called out of abeyance ?

Mr. A. H. Lloyd : I am not able to say.

Mr. Lalchand Navalrai : Will it be in the near future or after ten years ?

Mr. A. H. Lloyd : I am unable to say.

ASSESSMENT OF INCOMES OF SMALL INCOME-TAX PAYERS IN SIND.

16. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state in how many cases in Sind the Income-tax officers in their respective district served notices under sub-clause (2) of section 22 of the Income-tax Act of 1922, in respect of the small income-tax payers under Rs 2,000 during the years 1933-34 and 1934-35 ?

(b) In how many cases did the same Income-tax officers dispose of the cases of the small income-tax payers in each district in Sind by making summary assessment of incomes, during the aforesaid years ?

(c) In how many cases in the respective beats of the said Income-tax officers did the assesseees apply for cancellation or revision of their assessments consequent on summary procedure, and in how many cases were they cancelled or revised to any extent ?

(d) In how many cases did the assesseees of such income-tax file a return of their income under sub-section (2) of section 22 of the Income-tax Act, and in how many cases were such returns accepted wholly or partially ?

(e) How much time was usually given to the assesseees of the aforesaid small income-tax for payment of their income-tax after notices of demand were served on them ?

(f) Will Government be pleased to state if there happened any cases during the aforesaid two years in Sind in each district where the escaped assessment of previous years was reassessed and collected ? If so, in how many cases ?

Mr. A. H. Lloyd : (a), (b), and the first parts of (c) and (d). A statement giving the required information is laid on the table.

(c) and (d), second part. The information asked for is not on record and could be compiled only at an expenditure of time and labour that would not be justified by the value of the results.

(e) One month.

(f) As regards the first part the answer is in the affirmative. As regards the second part, the answer is the same as that to the second parts of (c) and (d).

Statement.

CIRCLE	No of notices issued under section 22 (2).		No of cases disposed of by making summary assessments.		No of cases in which assesses applied for cancellation or revision.		No of cases in which such assesses filed returns of income under section 22 (2)	
	1	2	3	4	5	6	7	8
	1933-34.	1934-35	1933-34	1934-35.	1933-34.	1934-35.	1933-34.	1934-35.
Karachi A Division	500	642	51	43	27	29	13	8
Karachi B Division	312	368						
Temporary Income-tax Officer	766	1,553	1,825	1,554	1,177	1,032	1,108	913
Hyderabad	752	1,069	615	212	241	10	241	10
Sukkur	484	806	351	143	159	93	148	83
Shikarpur	838	682	664	409	408	293	345	263
Larkana	1,106	1,364	366	13	265	5	249	5
Thar Parkar	1,000	787	78	181	33	34	33	34
Total	5,758	7,273	3,950	2,555	2,310	1,501	2,137	1,316

Mr. Lalchand Navalrai : May I know then that there were no cases where the escaped assessment of previous years was re-assessed and collected, as stated in part (f) of the question ?

Mr. A. H. Lloyd : I said that the answer to the first part of that question was in the affirmative.

INCOME DERIVED FROM SMALL INCOME-TAX AND EXPENDITURE INCURRED IN ITS COLLECTION IN SIND.

17. ***Mr. Lalchand Navalrai :** Will Government be pleased to state how much income was derived in Sind from the small income-tax under Rs. 2,000, during the years 1933-34 and 1934-35 and how much was the expenditure incurred by Government in recovering the same ?

Mr. A. H. Lloyd : A statement is laid on the table.

Statement.

					Revenue.	Expenditure.
					Rs.	Rs.
1933-34	..	..	..	..	1,98,107	33,571
1934-35	..	..	..	..	1,70,474	33,380

PRODUCTION OF BOOKS AND REGISTERS BY INCOME-TAX ASSESSEES IN SIND AND FIXATION OF MINIMUM AND MAXIMUM TIME LIMIT FOR THE PAYMENT OF INCOME-TAX.

18. ***Mr. Lalchand Navalrai** : (a) Will Government be pleased to state if it is a fact that in Sind the Income-tax officers invariably issue orders under section 23, clause 2, requiring the assesseees to produce their books to support their returns ? If so, why is that practice followed in every case ? If not, will Government be pleased to state in how many cases in each district of Sind the respective Income-tax officers did not call for and examine books of accounts during the year 1934-35 ?

(b) Is it a fact that often times the Income-tax Department requires the production of books and registers, which are not maintained by the assesseees, and the Income-tax officers make that failure an excuse to make final assessment under section 23, clause 4, of the Income-tax Act ? If so, do Government propose to issue directions in order to checkmate such a procedure ?

(c) Are there any orders of the Central Board of Revenue, fixing a reasonable time for payment of income-tax after a demand notice is served ? If not, do Government propose to fix the minimum and the maximum time limit for making such payments ? Is it a fact that there is no uniform system in all Income-tax offices ?

Mr. A. H. Lloyd : (a) The answer to the first part is in the negative. As regards the last part, a statement giving the required information is laid on the table

(b) The answer to the first part is in the negative. The second part does not arise

(c) The reply to the first part is in the affirmative. The second part, therefore, does not arise. With regard to the third part, the orders of the Central Board of Revenue to which I have referred are applicable to all income-tax offices.

Statement.

District.	Total number of returns filed.	No. of cases in which accounts were not called for.
1. Karachi	7,663	2,732
2. Hyderabad	2,747	298
3. Sukkur	1,338	290
4. Shikarpur	2,524	384
5. Larkana	1,431	146
6. Dadu	857	115
7. Nawabsha	740	139
8. Karachi and Thar Parkar Districts ..	1,527	40
Total	18,827	4,144

Mr. Lalchand Navalrai : With regard to clause (a) of the question, if I heard the Honourable Member aright, he said that the answer was in the negative, that is to say, that books were not invariably sent for. May I tell him that when returns are given, the books are being sent for invariably ?

Mr. A. H. Lloyd : I did not say that they were never sent for. I said they were not invariably sent for.

Mr. Lalchand Navalrai : What I want to know is this. Is it a fact or not that even when returns are given by respectable people and are verified, their books are sent for, and it is only in very rare cases that they are not sent for ?

Mr. A. H. Lloyd : When the Honourable Member sees the statement which I will lay on the table, I think, he will see that the expression "very rare cases" is incorrect. It is, however, true that in many cases when a return has been submitted, the accounts are sent for.

Mr. Lalchand Navalrai : If the Honourable Member has got figures for Sind, he will be in a position to know that what I am saying is correct.

Mr. A. H. Lloyd : May I again suggest that the Honourable Member should see the statement that I am laying on the table which gives the figures ?

TRANSFER OF CASES FROM ONE INCOME-TAX OFFICER TO ANOTHER IN THE BOMBAY PRESIDENCY.

19. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if there have arisen any cases in the Bombay Presidency where assesses having been dissatisfied on account of prejudice or bias of the Income-tax officers, applied for transfer of their cases from one Income-tax officer to another ? If so, how many such cases occurred in the Bombay Presidency during the last three years, and how were they disposed of ?

(b) Is there any practice or orders, allowing transfer of cases on the aforesaid grounds ? If so, what are they ? If not, do Government propose to make such orders ?

Mr. A. H. Lloyd : (a) Yes, but it is not possible to state the exact number of such cases as no record is kept. I understand, however, that there were about half a dozen cases during the last three years and the request for transfer was not granted in any of them as it was found on enquiry not to be justifiable.

(b) Yes, under section 5 (4) of the Indian Income-tax Act, 1922, a Commissioner of Income-tax is authorised to appoint Income-tax Officers to perform their functions in respect of such persons as he may direct.

Mr. Lalchand Navalrai : Has the Honourable Member sent for those cases and satisfied himself ?

Mr. A. H. Lloyd : No, Sir.

PERFORMANCE OF MARRIAGES BY THE PEOPLE OF SIND IN THE KHAIRPUR STATE TO EVADE PROSECUTIONS UNDER THE CHILD MARRIAGE RESTRAINT ACT.

20. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if the Sarda Act (Restraint of Marriage Act) is being broken by

Indian British subjects by performing illegal marriages in the Indian States ?

(b) Are Government aware that Sind people go to perform such marriages in 'Khairpur State' and come back to Sind to live with impunity ?

(c) If the answer to part (b) is in the affirmative, what steps do Government propose to take in this direction to stop such breaches of the Sarda Act being committed by people hopping over the British boundaries into the Indian States in India and into the neighbouring foreign States ?

The Honourable Sir Henry Craik : (a) Government are aware that residents of British India have performed marriages, which if performed in British India would have been punishable under the Act in Indian States and elsewhere outside British India.

(b) Yes.

(c) The Honourable Member has already given notice of his intention to move for leave to introduce a Bill on the subject and Government will have an opportunity of stating their attitude in the matter when that Bill comes up for consideration.

Mr. Lalchand Navalrai : If the Honourable Member means that this practice is to go on until that Bill is passed by the House, does he know that it is causing injury to the public ? Why should not Indian States co-operate with us just as we are co-operating with them, and see that such marriages are not allowed to be performed ?

The Honourable Sir Henry Craik : In a large number of States, there is an Act on the lines of, or similar to, the Sarda Act, and, as regards the other States, I do not see that Government have any ground for interfering in a matter of purely internal administration.

Mr. Lalchand Navalrai : Will Government advise the Khairpur State not to make money out of this business by taking hundred rupees a marriage and allowing marriages to be performed there ?

The Honourable Sir Henry Craik : I am very doubtful whether that is a question that ought to be asked under Rule 33, proviso (2).

Mr. N. M. Joshi : May I ask whether Government propose themselves to take any action to remove this evil ?

The Honourable Sir Henry Craik : Legislative action ?

Mr. N. M. Joshi : Yes

The Honourable Sir Henry Craik : No, Sir.

Mr. N. M. Joshi : May I ask whether Government will publish a report regarding the extent of this evil ?

The Honourable Sir Henry Craik : I will consider that.

Mr. B. Das : Will Government prohibit such Indian States as do not observe the provisions of the Sarda Act, from joining the Federation ?

The Honourable Sir Henry Craik : That does not arise.

Dr. T. S. S. Rajan : Are Government aware that many Government servants are liable under the Act, and they escape it by going and performing marriages in the Indian States near by ?

The Honourable Sir Henry Craik : I am not aware of that, Sir.

Dr. G. V. Deshmukh : May I know whether the Government of India mean to take this Act seriously ?

The Honourable Sir Henry Craik : They take all Acts seriously.

Prof. N. G. Ranga : Will Government make representations to the Indian States where these illegal marriages are being performed and see that they are prevented ?

The Honourable Sir Henry Craik : I have already answered that.

Dr. T. S. S. Rajan : Will Government take any notice of the action of their servants who violate the law by migrating into the States near by, if such action was brought to the notice of the Government of India ?

The Honourable Sir Henry Craik : I think the Honourable Member is aware that under the Act criminal prosecutions can be launched only on complaint by an interested person.

Dr. T. S. S. Rajan : Will they take any departmental action ?

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

KHEWRA SALT MINE SETTLEMENT.

21. *Mr. Lalchand Navalrai : (a) Will Government be pleased to state when the Khewra Salt Mine settlement was started ?

(b) What was the establishment all told at the beginning, and what is it now, and what is its cost ?

(c) How much was the initial capital expense and how much has been spent since then on the buildings, mining and machinery ?

(d) What is its recurring expense every year ?

(e) What has been its produce of salt every year ? How much salt was sold and at what rate ?

(f) Is it a profitable concern ? If not, why is it continued to be run ?

Mr. A. H. Lloyd : (a) The administration of the Khewra salt mine was taken over by the British Government in 1849

(b) Government have no information as to what was the establishment in the beginning. A statement (A) showing the establishment and its cost in 1934-35 is placed on the table

(c) No information is available in regard to the initial capital expenditure, but the accounts of the Northern India Salt Revenue Department were commercialised on the 1st April, 1924, and capital expenditure on buildings, works, plant and machinery, roads, bridges and land at Khewra incurred up to that date amounted to Rs. 10,85,419-12-6. Expenditure incurred subsequently up to 31st March, 1935, is Rs. 17,37,248-3-9.

(d) Separate figures for Khewra are available only from 1927-28. A statement (B) giving the recurring expenditure of the working of the mine and depôt at Khewra is laid on the table. This excludes capital charges, interest and depreciation paid on the assets, pensionary charges, etc.

(e) The information is given in statement (C) which is placed on the table

(f) The answer to the first part is in the affirmative, the second part does not arise.

A

Statement showing the establishment of the Northern India Salt Revenue Department at Khewra during 1934-35 and its cost.

Designation.	Number.	Annual cost.		
		Rs.	A.	P.
General Manager	1	15,600	0	0
Assistant Commissioner	2	22,275	8	0
Superintendents	2	9,420	9	0
Superintending Engineer	1	11,898	6	0
Assistant Surgeon	1	3,068	12	0
Deputy Superintendent	1	18,511	12	0
Inspectois	9			
Mine Overseers .. .	2			
Survey Coolies	2			
Tracers	1			
Kotegasht	1			
Electric Overseer	1	40,211	5	0
Clerks	38			
Construction Overseer	1			
Operators	3	889	0	0
Power House Superintendent	1	2,232	9	0
Inferior establishment	90	19,898	7	0
Storekeeper and Assistant Storekeeper	2	1,942	12	0
Foremen	1	2,035	0	0
Compounder	3	1,156	7	0
Dresser				
Midwife				
Total ..	..	1,51,120	7	0

Prerentive Staff.

Designation.	Number.	Annual cost.
Superintendent	1	860 0 0
Deputy Superintendent	1	9,356 15 0
Inspectors	3	
Kotegasht	7	
Inferior establishment	206	45,627 14 0
Total .. .. .	..	56,844 13 0
GRAND TOTAL .. .. .	..	2,06,965 4 0

B.

Statement showing recurring expenditure at Khewra from 1927-28.

[illegible]

C.

Statement showing the salt produced and sold at the Khewra Mine every year during the period from 1850-51 to 1934-35.

Year.	Quantity of salt produced.	Quantity of salt sold.	Selling price per maund.	Remarks.
1	2	3	4	5
	Maunds.	Maunds.	Rs. A. P.	
1850-51	4,64,624	..	There is no separate information regarding the production of salt during these years, but in paragraph 86 on page 177 of the Annual Administration Report of this Department for 1868-70 it is mentioned that production in 20 years previous to 1870 was a little over 154½ lakhs of maunds.
1851-52	3,98,415	..	
1852-53	5,81,991	..	
1853-54	6,46,590	..	
1854-55	7,51,236	..	
1855-56	7,21,189	..	
1856-57	6,55,499	..	
1857-58	6,62,592	.	
1858-59	7,21,181	..	
1859-60	7,57,016	..	
1860-61	9,16,106	..	
1861-62	7,50,491	..	
1862-63	7,35,136	..	
1863-64	8,29,123	..	
1864-65	8,85,330	..	The information regarding the selling prices of these years is not available
1865-66	8,92,333	..	
1866-67	9,72,417	..	
1867-67	9,46,863	.	
1868-69	9,63,480	..	
1869-70	11,35,969	..	
1870-71 } *	
1871-72 }	
1872-73	10,85,140	10,08,140	..	
1873-74	12,43,500	11,41,885	0 1 0	
1874-75	10,40,755	11,36,391	0 1 0	..

Year.	Quantity of salt produced	Quantity of salt sold	Selling price per maund.	Remarks.
1	2	3	4	5
	Maund	Maunds.	Rs. A. P.	
1875-76	10,97,668	10,93,152	0 1 0	
1876-77	12,03,652	11,43,923	0 1 0	
1877-78	11,17,817	11,86,831	0 1 0	
1878-79	14,04,087	13,04,392	0 1 0	
1879-80	13,67,420	13,28,212	0 1 0	
1880-81	12,05,065	12,73,767	0 1 0	
1881-82	17,78,267	12,00,917	0 1 0	
1882-83	19,72,355	13,98,283	0 0 9	
1883-84	14,44,512	13,32,064	0 0 9	
1884-85	19,59,459	13,88,513	0 0 9	
1885-86	11,07,135	14,56,477	0 0 9	
1886-87	10,63,731	15,73,364	0 0 9	
1887-88	11,52,298	17,69,949	0 0 9	
1888-89	19,00,675	17,46,566	0 0 9	
1889-90	14,37,091	20,00,097	0 0 9	
1890-91	20,49,782	17,47,250	0 0 9	
1891-92	19,95,627	18,45,342	0 0 9	
1892-93	18,02,348	19,46,227	0 0 9	
1893-94	18,19,233	18,93,275	0 0 9	
1894-95	17,19,269	16,55,027	0 0 9	
1895-96	18,82,229	19,40,640	0 0 9	
1896-97	18,36,868	18,40,229	0 0 9	
1897-98	19,57,792	19,75,769	0 0 9	
1898-99	18,36,104	20,21,712	0 0 9	
1899-00	23,36,138	21,21,743	0 0 9	
1900-91	21,23,285	21,75,463	0 0 9	
1901-02	21,57,115	21,57,468	0 0 9	
1902-03	22,57,421	22,86,446	0 0 9	
1903-04	20,53,149	23,42,865	0 0 9	

Year.	Quantity of salt produced.	Quantity of salt sold.	Selling price per maund.	Remarks.
1	2	3	4	5
	Maunds.	Maunds.	Rs. A. P.	
1904-05	25,40,002	21,24,420	0 0 9	
1905-06	23,08,285	24,57,665	0 1 0	
1906-07	23,97,593	21,40,849	0 1 ..	
1907-08	23,73,197	26,06,260	0 1 0	
1908-09	25,74,390	27,38,998	0 1 0	
1909-10	29,52,002	28,04,701	0 1 0	
1910-11 . . .	26,82,204	28,38,786	0 1 0	Up to 30th June 1910 and then Re. 0-1-1.
1911-12 . . .	31,49,797	30,02,541	0 1 1	
1912-13 . . .	31,99,403	30,79,106	0 1 2	
1913-14 .. .	34,27,928	31,06,613	0 1 2	
1914-15 . . .	33,87,488	37,65,134	0 1 2	Up to 31st October 1914 and Re 0-1-6 from 1st November 1914.
1915-16	35,82,169	35,73,288	0 1 6	
1916-17	39,54,616	55,01,883	0 1 6	
1917-18 . . .	32,77,660	32,52,746	0 1 6	
1918-19 . . .	41,89,859	43,62,012	0 1 6	
1919-20	38,27,658	39,00,120	0 1 6	Up to 14th June 1919 and then Re. 0-2-0.
1920-21	36,02,330	33,00,654	0 2 0	From 1st March 1921 the price was raised to Re. 0-3-0.
1921-22	30,29,792	28,89,212	0 3 0	
1922-23	39,41,934	38,40,329	0 3 0	
1923-24	13,28,608	13,00,177	0 3 0	
1924-25	36,98,389	38,54,328	0 3 0	
1925-26	20,14,260	21,42,351	0 3 0	
1926-27	27,66,606	28,41,606	0 3 0	Up to 19th February 1917 and then Re. 0-3-6.
1927-28	26,95,776	27,68,436	0 3 6	
1928-29	30,56,478	30,81,818	0 3 6	

Year.	Quantity of salt produced.	Quantity of salt sold.	Selling price per maund.	Remarks.
1	2	3	4	5
	Maunds.	Maunds.	Rs. A. P.	
1929-30	29,90,078	29,92,600	0 3 6	Up to 14th July 1929 and then Re. 0-4-6.
1930-31 . . .	28,23,799	27,56,619	0 4 6	
1931-32	29,12,902	29,08,104	0 4 6	
1932-33	29,92,952	29,91,760	0 4 6	
1933-34	28,75,661	29,06,531	0 4 6	
1934-35	30,53,554	30,12,838	0 4 6	

N.B.—The selling price as shown in column 4 above excludes duty levied by Government.

Mr. Lalchand Navalrai : May I know from the Honourable Member if this concern is very profitable or it makes only a small profit over and above the expenditure ?

Mr. A. H. Lloyd : It is not the policy of Government to make large profits from their salt concerns. The general policy of Government is to sell salt at cost price.

Mr. Lalchand Navalrai : In view of the fact that the people round about this Khewra factory are suffering on account of the salt water going to their lands, will not the Government stop this concern altogether, especially as they are not making large profits ?

Mr. A. H. Lloyd : I do not think that question arises, though I do not admit the truth of the statement upon which it is based.

Mr. Lalchand Navalrai : The Honourable Member knows about it.

LAPSING OF POSTAL CASH CERTIFICATES.

22. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state how many Postal Cash Certificates, and of what value, have lapsed to Government in all the Post Offices in Sind during the last ten years owing to the owners not having claimed the money after due date, probably through ignorance ?

(b) What steps were taken to trace out the owners in order to return the amounts to them after the due date ?

(c) Will Government be pleased to lay on the table a statement showing the cause in each case for appropriating the amounts of the Cash Certificates so lapsed ?

The Honourable Sir James Grigg : (a) and (c). As stated in the answers given by me on the 6th of August, 1934, to question No 402 by Bhai Parma Nand, and to a supplementary question by the Honourable Member himself, Post Office Cash Certificates do not lapse to Government.

(b) Special notices were issued to investors throughout India, and as a result a number of outstanding cash certificates which have completed ten years have been discharged.

CONNECTION OF CHITTOOR WITH A TRUNK TELEPHONE LINE.

23. ***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that in the Madras Presidency, Chittoor which is the headquarters of a District, is not connected with a trunk telephone line ?

(b) Do Government propose to connect the same ?

The Honourable Mr. D. G. Mitchell : (a) Yes.

(b) There has been so far no demand from the public of Chittoor for a local telephone system and trunk facilities. The question is being investigated and if a sufficient number of applications for telephones is received the facility will be provided.

GRANT OF CONCESSION RATES OF POSTAGE ON PRINTED MARRIAGE INVITATION CARDS.

24. ***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that during the fixed seasons in the year (*i.e.*, the middle of January to the middle of July) a large number of marriage invitation cards and letters are sent by post ?

(b) Are Government aware that printed invitation letters sent in open covers as packet post are charged like book packets, *i.e.*, nine pies per packet ?

(c) Are Government prepared to give similar concession rates of postage for printed marriage invitation cards at half anna per card ?

The Honourable Mr. D. G. Mitchell : (a) and (b). Yes.

(c) No.

CONTEMPLATED CREATION OF A POST OF ASSISTANT DIRECTOR OF POSTS AND TELEGRAPHS AND RETRENCHMENT IN THE POSTS AND TELEGRAPHS DEPARTMENT.

25. ***Mr. M. Ananthasayanam Ayyangar :** (a) Is it a fact that Government contemplate creating a post of Assistant Director of Posts and Telegraphs ?

(b) Will Government be pleased to state the necessity for creating such an office and its probable expenditure per annum ?

(c) Has any retrenchment been effected in the personnel of the subordinate staff in the Posts and Telegraphs Department as a measure of economy, and was it effected in the year 1934-35 ?

(d) Is any retrenchment in the staff contemplated to be carried out during the year 1935-36 ?

(e) What are the probable savings expected per year owing to the proposed retrenchment ?

The Honourable Mr. D. G. Mitchell : (a) No.

(c) Yes.

(d) The special retrenchment concessions have been withdrawn since the beginning of the present financial year and it is not under contemplation to effect any extensive retrenchment in the staff of the department during the year 1935-36. Increases or decreases in the number of staff employed by the department in accordance with the variations in the volume of traffic handled are normal features of the administration. When a reduction in establishment has to be effected this is carried out as far as possible by utilising vacancies which occur in the ordinary course by deaths, retirements, resignations or dismissals.

(e) It is not possible to make any estimate of the probable savings due to reduction in staff.

REDUCTION IN THE PRICE OF SILVER AND INCREASE IN THE BALANCE OF TRADE IN FAVOUR OF INDIA.

26. ***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that the United States of America is steadily purchasing silver and the price of silver has gone up ?

(b) Do Government propose to take any further steps to reduce the price of silver in India ?

(c) What is the balance of trade regarding private merchandise during the year 1934-35 ?

(d) Do Government propose to take any steps, and if so what, to increase the balance of trade in favour of India ?

The Honourable Sir James Grigg : (a) I am aware that the United States of America have made considerable purchases of silver and I am aware that there have been considerable fluctuations of price

(b) The only recent action of Government which has had any conceivable connection with the price of silver was the reduction of the import duty in April. This was taken purely on revenue grounds.

(c) The figures are given in the monthly Accounts relating to the Sea-Borne Trade and Navigation of British India for March, 1935, copies of which are in the Library of the House.

(d) Government have taken and will take whatever steps are both practicable and economically sound to this end. But no substantial advance is possible unless concerted action is taken by the principal countries of the world for currency stabilization and removal of trade restrictions.

Mr. B. Das : Is the Honourable the Finance Member aware that the American policy of purchase of silver has increased the gambling propensities of the Bombay bullion exchange market and has brought disaster to many brokers, and will Government give some subsidy to such brokers ?

Mr. M. Ananthasayanam Ayyangar : Is it a fact that large quantities of silver were sold by Government and thus reduced the price of silver ?

The Honourable Sir James Grigg : That does not arise.

CONTROL OVER THE AGRA CANAL.

27. ***Mr. Sham Lal :** (a) Is it a fact that the Agra Canal has no claim to a share of the Jumna supplies and its existence has not been recognised by the Punjab Government ? If so, why ?

(b) Is it a fact that Jumna supplies at Tajawala are under the control of the Punjab Government, and the Punjab Government take no interest in the irrigation of the Gurgaon District ?

(c) Is it a fact that the supplies in the Agra Canal are very irregular, as they are solely dependent on whether there is surplus water in the United Provinces Canals ?

(d) Is it a fact that the Punjab Government collects the *abiana* from the Gurgaon cultivators on the Agra Canal, and credit it to the United Provinces, while the question of remission in case of crop failure is solely controlled by the United Provinces Government ? What is the reason for this dual system ?

(e) Is it a fact that water rates were increased in the Agra Canal in the Gurgaon District (Punjab) and not in the United Provinces Districts in 1930 ? If so, why ?

(f) Is it a fact that water rates charged on the main crops, cane, cotton and wheat on the Agra Canal in the Gurgaon District are higher than those charged in the United Provinces or on the Western Jumna Canal in the Punjab ? If so, why ?

The Honourable Mr. D. G. Mitchell : The information has been called for and a reply will be placed on the table of the House in due course.

REFRESHER COURSE AT KOT LAKHPAT.

28. ***Mr. Sham Lal :** (a) Is it a fact that Refresher Course at Kot Lakhpat does not result in forfeiture of one's appointment, as per Agent, North Western Railway's report, dated the 18th July, 1934 ? If so, will Government be pleased to state if the Commercial staff discharged in 1930 on account of failing in Refresher Course will be recalled ? If so, when, and if not, why not ?

(b) If they are treated as incompetent, do the local authorities make any effort to provide them with equivalent posts, as required by the North Western Railway subsidiary rule laid down in the North Western Railway Weekly Gazette No. 25 of the 23rd June, 1930, page 565 ?

Mr. P. R. Rau : The Agent, North Western Railway, reports that failure to pass a refresher course in the case of permanent employees does not involve discharge. As regards the commercial staff discharged in 1930, the railway administration do not propose either to recall them or to provide them with equivalent posts as these men were temporary and

their retention was dependent on their successfully passing the course in question. The subsidiary rule is, for the same reason, not applicable in their case.

CIRCULATION OF COUNTERFEIT COINS IN INDIA.

29. ***Mr. Lalchand Navalrai** : (a) Will Government be pleased to state whether their attention has been drawn to a letter of the Karachi Indian Merchants' Association, sent to the Secretary to the Government of India, Finance Department, and published in the *Sind Observer* of the 6th April, 1935 under the heading "Menace of Counterfeit Coins", "Too many Bad Rupees" ?

(b) Are Government aware that, as stated in that letter, there is a widespread circulation of counterfeit rupees in India ?

(c) Are Government by this time aware that people, particularly in the mofussil, are not inclined to accept rupees on account of the wide circulation of counterfeit rupees ?

(d) Is it a fact that the Banks, including the Imperial Bank of India, have on several occasions refused to accept rupees, which, however, have been certified as genuine by the Master of His Majesty's Mint ?

(e) Are Government aware that the trade and general public experience great hardship and inconvenience on account of people refusing to accept rupees, as well as small coins, on account of their not being able to distinguish genuine coins from bad ones easily ?

(f) What steps have Government taken to eradicate this evil and to create confidence in the public currency ?

(g) What steps have Government taken to revise the pattern of small nickel coins and silver rupees so as to make counterfeiting difficult ?

(h) Have Government devised any method to unearth the source of counterfeit coins, and checkmate the same ? If so, with what result ?

The Honourable Sir James Grigg : (a) Yes.

(b) Government are aware that in recent years there has been an increase in the circulation of counterfeit coins, but not to the extent that the Honourable Member suggests.

(c) and (e). Government are not aware of any general disinclination on the part of the public to accept rupees

(d) There have been occasions on which the Banks have cut coins as counterfeit which later have been certified as genuine, but such occasions have been rare

(f) and (h). Vigorous action is being taken by the Central Intelligence Bureau in conjunction with the local Criminal Intelligence Departments and the Controller of the Currency. Separate branches of the Criminal Intelligence Department have been established in Sind and the Punjab and their concerted action has met with success, especially in the Sukkur and Larkhana districts. Important captures have also been made recently in Bombay and, I understand, in Jodhpur State.

(g) None.

Mr. Lalchand Navalrai : With regard to the answer to clause (c), will the Honourable Member, in view of the fact that in the mofassil, money which is good tender is being refused on flimsy grounds, consider the advisability of issuing a communiqué urging people to accept coin which is otherwise good coin ?

The Honourable Sir James Grigg : My recollection is that a short time ago we did issue a communiqué about the Victoria coinage, which, I understand, is the coin chiefly concerned.

Mr. Lalchand Navalrai : Is the Honourable Member in a position to tell me if people do not accept good coin as legal tender, what is the penalty ?

The Honourable Sir James Grigg : You must give me notice of that question. I am not a lawyer.

Mr. Lalchand Navalrai : May I inform the Honourable Member that I have communicated this question for the purpose of getting an answer, and I shall be thankful for getting an answer.

The Honourable Sir James Grigg : I will see that the Honourable Member gets an answer.

Dr. T. S. S. Rajan : Will Government consider the advisability of issuing a circular and publish it in all the newspapers of this country as to the methods by which good coins could be identified from bad ones ?

The Honourable Sir James Grigg : If we knew all the processes by which bad coins were produced, they would not be produced.

Dr. T. S. S. Rajan : Could you not mention the practical way whereby the ordinary man, the villager, would be able to test for himself and find out which is a good coin and which is a bad one ?

The Honourable Sir James Grigg : I do not think they would find much difficulty about that.

Mr. B. Das : Is the Honourable the Finance Member aware that the 1862 rupee coin is not allowed to be accepted as legal coin in Orissa and that the traders return it back ? And what is the reason why the 1862 coin is not allowed to be accepted as a silver coin ?

The Honourable Sir James Grigg : Did I understand the Honourable Member to say that the 1862 coin is not accepted as legal tender ? I think that is a mistake.

Mr. B. Das : But nobody accepts it in the market ?

The Honourable Sir James Grigg : It is precisely that kind of coin on which we issued a press communiqué.

Prof. N. G. Ranga : Sir, the same evil prevails all over India, and will the Honourable Member be pleased to say what steps they are taking in other parts of India apart from Sind ?

The Honourable Sir James Grigg : I think the Honourable Member is a little exaggerating.

Prof. N. G. Ranga : I may say this particular evil prevails even in Simla, and there are several bad rupees.

The Honourable Sir James Grigg : There may be special considerations.

Prof. N. G. Ranga : Will the Honourable Member accept those bad rupees and substitute new rupees ?

The Honourable Sir James Grigg : No.

The Honourable Sir Henry Craik : Let the Honourable Member try them on the cinemas. (Laughter.)

ABOLITION OF THE INDIA STORE DEPARTMENT IN LONDON.

30. ***Sardar Sant Singh** : (a) What is the annual expenditure on the Indian Stores Department ?

(b) What is the annual expenditure on the Stores Department in London ?

(c) Are these two departments run as parallel machineries for the same purpose ? If so, why do Government maintain the two departments ?

(d) Do Government propose to close the Stores Department in London and make all purchases, even of articles of foreign origin, in India ? If not, why not ? Has there been a demand in India for the abolition of this department ?

The Honourable Mr. D. G. Mitchell (a) and (b). The Honourable Member will find the information he requires in the annual Administration Reports of the Indian Stores Department and the annual Reports on the work of the India Store Department, London, copies of which are available in the Library of the House.

(c) I would invite the attention of the Honourable Member to pages 2395-97 of Volume VIII, No. 6, of the Legislative Assembly Debates, dated the 30th August, 1934, which contain a speech on the subject by the Honourable Sir Frank Noyce. The two departments are not parallel organisations ; they are to a great extent complementary.

(d) Government are actively considering the possibility of amalgamating the two departments. There has been a demand from some quarters for the abolition of the London Store Department, but Government consider that so long as any of their requirements have to be met from abroad, it will be essential to maintain an organization in London for inspection during manufacture and before shipment. The question has been fully discussed in the speech to which I have just referred.

Babu Baijnath Bajoria : Have Government taken any step to reduce the abnormal expenditure of the London Store Department ?

The Honourable Mr. D. G. Mitchell : Government do not admit that the expenditure of the London Store Department is abnormal.

Mr. S. Satyamurti : Have Government considered the question, not of abolishing this organization altogether, but of running it as a part of the Indian Stores Department ?

The Honourable Mr. D. G. Mitchell : I have already stated that Government are actively considering the possibility of amalgamating the two Departments.

Mr. S. Satyamurti : Have they arrived at any conclusion ?

The Honourable Mr. D. G. Mitchell : None yet.

Pandit Nilakantha Das : May I ask if its function is confined to inspection only,—I mean the function of this London Branch ?

The Honourable Mr. D. G. Mitchell : No ; it undertakes purchase, inspection and shipment.

Babu Baijnath Bajoria : Will Government put the London Store Department under the Chief Controller of Stores, Indian Stores Department, as one of its branch offices ?

The Honourable Mr. D. G. Mitchell : I don't know, Sir.

Babu Baijnath Bajoria . When will Government take action ?

The Honourable Mr. D. G. Mitchell : Government are considering the whole question.

Mr S. Satyamurti : What are the total purchases, for the last year for which figures are available, of purchases made by this Department, and what is the expenditure for that year on this Department ?

The Honourable Mr. D. G. Mitchell : I would refer the Honourable Member to the reports which are in the Library of the House. I regret I cannot give accurate figures off-hand.

Pandit Nilakantha Das : Does he not now accept tenders in London ? Does not the London Branch make purchases by accepting tenders in London now ?

The Honourable Mr. D. G. Mitchell : Yes.

Mr. B. Das : Is the Honourable Member for Industries aware that while the London Stores Department is spending Rs. 25 lakhs on only purchasing articles worth one crore of rupees—while it was purchasing only four crores of rupees worth five years before—the Indian Stores Department in India was spending 21 lakhs and purchasing Rs. 3½ crores worth of articles a year ? (Hear, hear.)

The Honourable Mr. D. G. Mitchell : This is a question which has been thrashed out in great detail before in the Public Accounts Committee and other places, and the Honourable Member is already perfectly aware of the answer. The answer is that the Stores Department in London does a great deal of important work for the Government of India other than mere purchase, and to assess the value of the two Departments by the amount of purchases made by them is entirely erroneous.

Mr. S. Satyamurti : What other precious work are they doing for the Government of India ?

The Honourable Mr. D. G. Mitchell : The inspection of all materials bought in England.

Pandit Nilakantha Das : I have not got the answer to my supplementary question : do they not make purchases there by accepting tenders ? We have a rule that all foreign tenders should be accepted in India by the Indian Stores Department. Do the foreign people give tenders in London ?

The Honourable Mr. D. G. Mitchell : The Honourable Member will find the details of stores purchase procedure in the Stores Purchase Rules of which there is a copy in the Library. The Government of India adhere to the system of rupee tenders in India, but in certain special cases, which are explained in the Stores Purchase Rules, departures have to be made and tenders called for in England.

Mr. M. Ananthasayanam Ayyangar : Who makes the inspections with regard to the purchases of articles in England ? Does the London Department make inspections and carry out negotiations with regard to articles purchased in countries other than England ?

UNSTARRED QUESTIONS AND ANSWERS

DEALING OF APPEALS AGAINST DISCHARGE ON THE EAST INDIAN RAILWAY.

1. **Mr. Muhammad Azhar Ali :** (a) Is it a fact that in the rules regulating the discharge and dismissal of State Railways non-gazetted Government servants, the Agent, East Indian Railway, *vide* his Circular No. 508/A.E.-1795 of the 22nd January, 1930, has laid down that appeals against discharge will be finally dealt with as follows :

“(a) By a Divisional Superintendent or by a Deputy Chief Mechanical Engineer if the order of discharge was issued by a senior scale officer attached to his Division or Workshops as the case may be ” ?

(b) Is it also a fact that the Circular referred to in part (a) was published in the Weekly Gazette of the East Indian Railway ?

(c) Will Government please state whether this rule is still in force ?

(d) If the answer to part (c) be in the affirmative, will Government please state whether :

(i) the Divisional Superintendent is the final authority if he has not been consulted or in any way dealt with the case at any stage prior to the order of discharge by a senior scale officer ; and

(ii) if he has already dealt with the case before orders of discharge were passed, he is still the final appellate authority to dispose of an appeal against discharge ?

Mr. P. R. Rau : (a), (b) and (c). Yes.

(d) (i) Yes.

(ii) No. Where the order of discharge has been passed or dealt with by the Divisional Superintendent personally, the next appellate authority is the Head of the Department concerned. The general rules recently issued by Government provide for an appeal to the authority next above that imposing the penalty, or to such higher authority as the Agent may prescribe in respect of railway servants under his control.

NOTIFICATION OF THE RULES REGULATING THE DISCHARGE AND DISMISSAL OF STATE RAILWAY NON-GAZETTED SERVANTS TO THE EAST INDIAN RAILWAY EMPLOYEES.

2. **Mr. Muhammad Azhar Ali :** (a) Is it a fact that the rules framed by the Railway Board regulating the discharge and dismissal of State Railway non-gazetted servants were notified to the subordinate staff

on the East Indian Railway through an Appendix to the Weekly Gazette under the caption "Manual of Special Orders on matters of general importance concerning the staff, 1930" ?

(b) Is it also a fact that in the Report by the Railway Board on Indian Railways for 1933-34, Volume I, Staff, Security of Service, Government have stated that certain modifications, and extensions have been notified to Railway Administrations in connection with these rules ?

(c) Have these modifications, extensions and regulations of the rules been communicated to the subordinate staff on the East Indian Railway through the Weekly Gazette as an addendum to the Manual of Special Orders on matters of general importance concerning the staff, 1930 ? If not, why and when are these likely to be notified to the staff ?

Mr. P. R. Rau : (a) and (b). Yes.

(c) Yes. The modifications were communicated to the subordinate staff through the Railway's Gazette. No separate amendment has been issued to the "Manual of special orders or matters of general importance concerning the staff (1930)". The preface to the manual in question states that all orders concerning the staff will be published in the Railway Gazette.

EXAMINATIONS IN ESTABLISHMENT DUTIES PASSED BY THE SUPERINTENDENTS AND ASSISTANT SUPERINTENDENTS, STAFF, ON THE EAST INDIAN RAILWAY.

3. **Mr. Muhammad Azhar Ali :** (a) Will Government please state what qualifying examinations in Establishment Rules and Procedure the Superintendents and Assistant Superintendents, Staff, on the East Indian Railway, have passed ?

(b) Do Government propose to consider the advisability of removing all such Superintendents and Assistant Superintendents who have not passed qualifying examinations in Establishment duties ? If not, why not ?

Mr. P. R. Rau : (a) State railway officers are not required to pass qualifying examinations in establishment rules and procedure.

(b) No. The Government do not see that any useful purpose will be served by holding such examinations.

DUTIES OF THE DEPUTY AGENT (GENERAL), EAST INDIAN RAILWAY.

4. **Mr. Muhammad Azhar Ali :** (a) Does the Deputy Agent (General), East Indian Railway, deal with Establishment matters, appeals and cognate subjects governed by the Railway Services (Classification, Control and Appeal) Rules, the rules for the recruitment and training of the subordinate staff, the Government Servants' Conduct Rules and allied manuals ?

(b) Has the Deputy Agent (General), passed any qualifying examinations to prove that he has a sound knowledge of Government Rules and Regulations governing the conduct, discipline, appeal and allied matters relating to Government servants ? If not, are Government prepared to consider replacing him by a qualified officer trained by the Railway Board ?

Mr. P. R. Rau : (a) Yes.

(b) The answer to both parts of the question is in the negative.

POSTS OF TRANSPORTATION INSPECTORS SANCTIONED BY THE EAST INDIAN RAILWAY.

5. **Mr. Muhammad Azhar Ali :** (a) With reference to the reply to starred question No. 201 of the 13th February, 1935, regarding posts of Transportation Inspectors sanctioned by the East Indian Railway, will Government please state :

- (i) the names and designations of the officers who composed this Selection Board ;
 - (ii) the place and date on which the Selection Board examined candidates for these seven posts ;
 - (iii) the names and designations of the candidates considered by the Selection Board for these posts ; and
 - (iv) the names of the candidates recommended by this Selection Board for these seven posts of Transportation Inspectors ?
- (b) Did the Divisional Superintendents participate in this operation ? If so, in what manner ?
- (c) Are these Inspectors required to perform combined duties of Transportation and Commercial or only Commercial duties ?
- (d) Did the Chief Commercial Manager participate in this operation ? If not, why not ?

Mr. P. R. Rau : (a) The Agent, East Indian Railway, reports that a Selection Board consisting of Mr. W. H. Burnard, Chief Operating Superintendent and Mr. H. A. Collet, Superintendent, Staff, met on the 16th August, 1934, at the Head Office, Calcutta. In exercise of the discretion vested in them by Note 2 to paragraph 61 of the Rules for the Recruitment and Training of Subordinate Staff on State-managed Railways, a copy of which is in the Library of the House, the Selection Board did not summon candidates for an interview. All senior grades of staff with the required experience were considered for promotion but no list of the names and designations of the individuals considered was retained. The following candidates were recommended by the Selection Board :

- 1. Mr. J. A. Titman.
- 2. Mr. J. A. Doran.
- 3. Mr. G. H. Johans.
- 4. Mr. E. J. England.
- 5. Mr. H. E. Monk.
- 6. Mr. I. B. Gantzar.
- 7. Mr. T. A. Ferrier.

(b) Substantive promotions to the posts of Transportation and Commercial Inspectors are controlled by the Head Office. Divisional Superintendents participated to the extent that they were consulted.

(c) Out of 44 Inspectors 38 are required to perform the combined duties of the Transportation and Commercial Branches.

(d) No. The Administration considered that a Selection Board, comprising the Chief Operating Superintendent and the Superintendent, Staff, was sufficient.

SERVICE CONDITIONS OF THE EAST INDIAN RAILWAY EMPLOYEES.

6. **Mr. Muhammad Azhar Ali :** (a) Will Government please reconcile their reply to starred question No. 500 (d) of the 23rd February, 1935, with Clause 2 of the Service Agreement which states :

“ I further agree to be subject to immediate dismissal or suspension without pay for refusal of duty, disobedience of orders, absence without leave, negligence or misconduct or any neglect of Government rules and orders applicable to my service ”

and state what Government rules relating to the procedure in cases of dismissal, removal, or reduction regulated the conduct and discipline of those employees who were employed by Government from 1st January, 1925 ?

(b) Will Government also reconcile their reply to starred question No. 500 (e) of the 23rd February, 1935, with the following statement in the Report by the Railway Board on Indian Railways for 1924-25, Chapter I, General Administration :

“ The Agent of the Railway has been invested with the powers of an Agent of a State Railway ”

and lay on the table of the House a copy of the document detailing the powers that were vested in the Agent of the East Indian Railway ?

(c) Will Government please state whether the rules referred to in part (a) were communicated to the staff ? If so, in what manner ?

Mr. P. R. Rau : (a) If my Honourable friend will refer again to the reply which I gave to parts (c) to (e) of question No. 500 on the 23rd February, 1935, he will find that those replies were given on the assumption that the questions related to the period before the East Indian Railway was taken over by the State. Clauses 3 and 4 of the service agreement executed by employees make it clear that in regard to matters such as conduct and discipline, ex-Company employees who became State employees after the transfer to State control would be governed by Government rules. The latter are contained in paragraphs 287 to 302 of the State Railway Open Line Code, Volume II, a copy of which is in the Library of the House.

(b) I have already explained the position in my reply to part (a) of this question. A copy of the Schedule of powers of an Agent of a State Railway is already in the Library of the House.

(c) It was not the practice to supply copies of the State Railway Open Line Code to railway servants. The publication was available for sale to those who wished to purchase it.

RIGHT OF APPEAL TO THE HIGH COURT AGAINST THE DECISIONS OF THE COMMISSIONERS OF INCOME-TAX.

7. **Bhai Parma Nand :** Are Government prepared to amend the Income-tax Act, by giving a right of appeal to the High Court against the decision of the Commissioner of the Income-tax Department ?

Mr. A. H. Lloyd : The question whether any other authority than the officers of the Income-tax Department should be empowered to determine questions of fact is one of the questions which are to be considered by the experts who are shortly to arrive in India.

CONTRIBUTION BY THE EAST INDIAN RAILWAY PERMANENT STAFF TO THE PROVIDENT FUND.

8. **Mr. Amarendra Nath Chattopadhyaya** : Will Government be pleased to state if it is a fact that permanent staff on the East Indian Railway are allowed to contribute to the Provident Fund Institute ?

Mr. P. R. Rau : Eligibility to become members of the State Railway Provident Fund and the East Indian Railway Provident Fund is governed by the State Railway Provident Fund Rules and the East Indian Railway Provident Fund Rules, respectively. Copies of both these are available in the Library.

PROMOTION OF TYPISTS TO THE CLERICAL CADRE ON THE EAST INDIAN RAILWAY.

9. **Mr. Amarendra Nath Chattopadhyaya** : (a) Is it a fact that the East Indian Railway Administration have imposed a condition on the typists that they cannot be promoted to the clerical cadre ?

(b) If the reply to part (a) be in the affirmative, will Government please state the rules under which this restriction has been imposed by the East Indian Railway Administration ?

(c) Are Government aware that typing is an additional qualification to enter into the service ?

(d) Will Government please state the minimum qualification fixed by the East Indian Railway Administration for clerical appointments ? If not, why not ?

(e) Is it a fact that the typists of the East Indian Railway (executive) submitted a memorial to the Agent as early as 9th July, 1934, and that that memorial is still lying undisposed ? If so, why ?

(f) Is it a fact that the claims of the typists, who are also qualified stenographers, are overlooked for promotion to a stenographer's post, whenever vacancies occur, and outsiders are being appointed from time to time ? If so, why ? If not, will Government please state the reasons in the following cases where this actually happened :

(i) Chief Commercial Manager's office—Research Section—appointment of Mr. Iyer ;

(ii) Agent's office—appointment of Mr. Brown, Deputy Agent (Works)—Mr. Gilbert's stenographer ; and

(iii) Chief Mechanical Engineer's office—appointment of a lady stenographer (Miss I. Tern-Duff) ?

Mr. P. R. Rau : (a) No.

(b) Does not arise.

(c) Not necessarily.

(d) Generally speaking the matriculation examination or its equivalent

(e) The Agent reports that the appeal in question was submitted by the typists employed in the central typing section at headquarters and the decision to disband that section so materially changed the position in regard to the matters referred to in the appeal that no action was called for and it was accordingly filed.

(f) The answer to the first part of the question is in the negative.

As regards the particular instances given, the appointments were made by selection of the most suitable candidates.

NON-ADMISSION OF ARYA SAMAJISTS IN THE ARMY.

10. **Mr. Ghanshiam Singh Gupta :** (a) Has the attention of Government been directed to a note published on page 12 of the *Anathraksha* of Ajmer, dated the 28th February, 1935, under the heading "*Arya Sarva Deshik Sabha Dhyani De*" ?

(b) Will Government please state how far the allegations made therein are correct ?

(c) Is it a fact that the Arya Samajists are refused admission in the Army ?

(d) Is it a fact that Arya Samajists serving in the Army suffer on account of obstruction in following their faith ?

Mr. G. R. F. Tottenham : (a) Yes.

(b) The allegations are not correct.

(c) No.

(d) No. Indian soldiers of every shade of religious opinion are free to carry out their religious duties in any way they like, so long as military efficiency is maintained and no offence is given to other communities.

LOCOMOTIVES ON CLASS I RAILWAYS.

11. **Mr. V. V. Giri :** (a) Will Government be pleased to state the number of locomotives of each type for each gauge now in stock on each of the Class I Railways and the percentage of each type in use daily on the average ?

(b) Will Government be pleased to state the average cost of repair and maintenance of the 59 locomotives on the Great Indian Peninsula and the North Western Railways proposed to be scrapped in 1936-37 without replacement ?

(c) Will Government be pleased to state the number of locomotives on each Railway used in 1934-35 though replaced by new ones ?

Mr. P. R. Rau : (a) The available information on the subject will be found in statement 22, pages 136 to 139 of the Report by the Railway Board on Indian Railways, Volume II, of 1933-34. The information is not compiled for each type of locomotive.

(b) I presume the Honourable Member desires to know what expenditure would be incurred in repairs and maintenance if the 59 locomotives were allowed to run their normal life, and would be fully employed.

In the case of the 29 North Western Railway locomotives it has been estimated that the cost would be approximately 6½ lakhs.

Regarding the 30 Great Indian Peninsula Railway locomotives two have already exceeded their life limit and 20 more will be due condemnation in 1936-37.

The question of repairs to these engines, therefore, does not arise. The remaining eight locomotives would cost approximately four lakhs per annum in repairs and maintenance.

In this connection I would refer the Honourable Member to pages 54 and 68 of the Proceedings of the meeting of the Standing Finance Committee for Railways, Volume XII—No. 4.

(c) A statement giving the desired information is placed on the table.

Statement showing number of locomotives, by gauges, replaced but still running on each Class I Railway at the end of the year 1934-35.

No. 1	Railway. 2	Number re- placed but still running. 3
<i>5' 6" Gauge.</i>		
Bengal Nagpur .. .. .	.. .. .	..
Bombay, Baroda and Central India .. .. .	.. .. . { Steam	1
Eastern Bengal .. .. .	.. .. . { Electric .. .. .	..
East Indian .. .. .	.. .. .	6
Great Indian Peninsula .. .. .	.. .. . { Steam .. .. .	..
Madras and Southern Mahratta . .. .	.. .. . { Electric .. .. .	..
Nizam's State .. .. .	.. .. .	5
North Western .. .. .	.. .. . { Steam .. .. .	..
South Indian .. .. .	.. .. . { Electric	2
<i>3' 3/4" Gauge.</i>		
Assam Bengal .. .. .	.. .. .	1
Bengal North Western .. .. .	.. .. .	31
Bombay, Baroda and Central India .. .. .	.. .. .	14
Burma .. .. .	.. .. .	..
Eastern Bengal .. .. .	.. .. .	..
Jodhpur .. .. .	.. .. .	2
Madras and Southern Mahratta .. .. .	.. .. .	18
Nizam's State .. .. .	.. .. .	..
Rohilkund and Kumaon .. .. .	.. .. .	1
South Indian .. .. .	.. .. . { Steam	1
	.. .. . { Electric .. .. .	..

No.	Railway.	Number re- placed but still running.
1	2	3
	<i>2' 6" Gauge.</i>	
	Bengal Nagpur .. .. .	..
	Bombay, Baroda and Central India . . .	..
	Eastern Bengal	1
	Great Indian Peninsula .. .	..
	North Western . . . . .	.
	South India. . . . .	..

SCRAP VALUE ON CONDEMNED LOCOMOTIVES, COACHING AND WAGON STOCK
ON EACH RAILWAY.

12. **Mr. V. V. Giri** : Will Government be pleased to state the scrap value realised every year on condemned locomotives, coaching and wagon stock on each Railway since 1931 and the respective difference between the book value and the actual scrap value of the condemned stock ?

Mr. P. R. Rau : The information is not readily available and Government consider that the time and labour involved in collecting it is not likely to be justified by results.

DEPRECIATION FUND RULES OF STATE RAILWAYS.

13. **Mr. V. V. Giri** : Will Government be pleased to lay a statement on the table comparing the present Depreciation Fund Rules on Indian State-managed Railways with those obtaining on principal Railways of foreign countries ?

Mr. P. R. Rau : The revised method of calculation of the depreciation fund on the Indian State-managed Railways is explained in the memorandum printed at pages 46 and 47 of the Proceedings of the Meeting of the Standing Finance Committee for Railways held on the 2nd February, 1935 (Volume XII—No 1). As regards the practice in other countries regarding depreciation fund, I have placed in the Library of the House a memorandum which furnishes the information available.

WAGON REQUIREMENTS OF INDIAN RAILWAYS.

14 **Mr. V. V. Giri** : (a) Will Government be pleased to state what firms in India are in a position to meet wagon requirements of Indian Railways and the capacity of each workshop to manufacture wagon under-frames in one full year ?

(b) Will Government be pleased to lay a statement on the table showing production statistics including amount of indigenous material used,

the amount of Indian capital invested, the number of Indians in the directorate and the number of workers employed, in each of the wagon manufacturing firms in India ?

Mr. P. R. Rau : (a) A statement showing the required information is attached.

(b) Government have no information.

The following firms in India are engaged in the manufacture of wagons and underframes :

1. Messrs. the Indian Standard Wagon Company, Limited.
2. Messrs. Jessop and Company, Limited.
3. Messrs. Burn and Company, Limited.
4. Messrs. Braithwaite and Company (India), Limited.

The estimated annual potential outputs of wagons from the works of the above firms are :

1. Messrs the Indian Standard Wagon Company, Limited .	3,000
2. Messrs. Jessop and Company, Limited	1,800
3. Messrs. Burn and Company, Limited . ..	1,800
4. Messrs. Braithwaite and Company (India), Limited ..	1,800

All the above firms can also manufacture underframes and for the purpose of estimates of potential outputs one Broad gauge underframe may be taken as equivalent to two wagons.

In addition to the firms mentioned above, Messrs. Herman and Mohatta, Karachi, can undertake the partial manufacture of wagons and their estimated annual output is 300 wagons per annum.

CAPACITY OF THE TATA RAILWAY WORKSHOPS TO MANUFACTURE CARRIAGE AND WAGON UNDER-FRAMES.

15. **Mr. V. V. Giri :** Will Government be pleased to state the capacity of Tata Railway Workshops to manufacture carriage and wagon under-frames in a full year and the number of employees engaged in the works ?

Mr. P. R. Rau : The maximum capacity of the Tatanagar Workshops is 550 I. R. S. Broad Gauge 8'-0" Bogie under-frames per annum. The number of employees who would be engaged if the works were manufacturing to full capacity would be between 900 and 1,000 depending upon the type of under-frames passing through the shops

EQUIPMENT OF RAILWAY WORKSHOPS FOR MANUFACTURING CARRIAGE AND WAGON UNDER-FRAMES.

16. **Mr. V. V. Giri :** Will Government be pleased to state to what extent Railway workshops in India have necessary equipment for manufacturing carriage and wagon under-frames ?

Mr. P. R. Rau : With the exception of the Bombay, Baroda and Central India Railway Workshops at Ajmer and the Tatanagar Workshops, no railway workshops can be considered as completely equipped for this purpose. They are intended for and are ordinarily fully employed upon the repair of rolling stock.

WAGONS RE-CONDITIONED ON INDIAN RAILWAYS.

17. **Mr. V. V. Giri :** Will Government be pleased to state the number of wagons re-conditioned on Indian Railways since 1926 obviating the necessity of replacement ?

Mr. P. R. Rau : It has recently been found that certain types of wagons built some 20 to 30 years ago are structurally too weak to stand up to modern traffic conditions with the result that the cost of a periodical overhaul to such vehicles is considerably above the average ; and it became a question of either replacing them by new wagons, or spending a certain amount of money in strengthening the under-frames, renewing their floors and otherwise enabling them to run their normal life without costing more than the average to repair. One thousand wagons are now being re-conditioned at Tatanagar. When the actual cost of re-conditioning those wagons is known the Railway Board will, after taking into consideration the financial implications, decide what other similar wagons should be re-conditioned and what should be replaced.

HEAVY REPAIR AND COST OF REPAIR IN WORKSHOPS PER UNIT OF ROLLING STOCK.

18. **Mr. V. V. Giri :** Will Government be pleased to lay a statement on the table showing the improvement every year in the number of staff per heavy repair, the frequency of heavy repair, the cost of repair in workshops per unit of rolling stock since 1925 ?

Mr. P. R. Rau : Information regarding the number of staff per heavy repair is not readily available. Regarding the frequency of heavy repairs and cost thereof no information is available prior to 1928 for locomotive and 1929 for carriages and wagons ; nor is information available in the precise form asked for by the Honourable Member.

Statements showing the average cost of a standard first class locomotive repair and the average mileage run since last heavy repair on each of the Class I Railways for the months of April, 1928, and April, 1934, and similar statements regarding carriages and wagons for the months of April, 1929, and April, 1934, have been however prepared and are laid on the table.

I would add for my Honourable friend's information that statement 26 (b) in Volume II of the Annual Report by the Railway Board on Indian Railways contains information regarding the cost of repairs per equated engine mile of locomotives and per carriage and per wagon which may be of interest to him.

Comparative abstract of Locomotive Workshop repairs on Class I Railways. 1928.

Name of Railway.	Average cost of a standard 1st class or unit repair during the previous three months	Average number of miles run by engines despatched during the month after undergoing heavy repairs (since last heavy repairs).	
		Rs.	
		April.	April.
5'—6" Gauge.			
B. N.	13,032		99,659
B. B. & C. I.	16,624		60,984
E. B. . . .	10,102		56,179
E. I. . . .	11,208		85,305
G. I. P.	8,091		60,166
M. & S. M.	17,365		84,845
N. S.	11,436		Nil.
N. W.	18,328		61,934
S. I.	20,194		39,007
3'—3½" Gauge.			
A. B.	15,432		198,605
B. & N. W.	14,559		56,597
B. B. & C. I.	21,125		79,160
Burma	15,918		119,440
E. B.	15,223		71,336
Jodhpur	24,026		107,890
M. & S. M.	14,301		75,896
N. S.	18,819		107,743
R. & K.	7,581		69,130
S. I.	33,885		89,193

Comparative abstract of Locomotive Workshop repairs on Class I Railways, 1934.

Name of Railway.	Average cost of a standard 1st class or unit repair during the previous 3 months (In hundreds)	Average miles run by all engines despatched since being last repaired in mechanical workshops. (In thousands)
	Rs	
	April	April
5'—6" GAUGE.		
B. N.	11,8	69
B. B. & C. I.	10,6	73
E. B.	10,6	63
E. I.	8,8	78
G. I. P.	11,0	73
M. & S. M.	12,6	45
N. S.	17,1	94
N. W.	11,1	72
S. I.	9,9	72
3'—3½" GAUGE.		
A. B.	15,3	108
B. & N. W.	8,0	61
B. B. & C. I.	13,1	56
Burma	11,7	88
E. B.	12,9	79
Jodhpur	8,6	66
M. & S. M.	9,2	52
N. S.	12,4	73
R. & K.	9,3	47
S. I.	14,7	65

Comparative abstract of Carriage and Wagon Workshop repairs on Class I Railways. Passenger Carriages, 1929.

Name of Railway.	Average cost of repairs per passenger carriage (in terms of 4-wheelers) during the previous 3 months	Average period in months passenger carriages des- patched were in service prior to undergoing repairs.
	Rs.	
	April.	April.
5'—6" Gauge.		
B. N.	1,207	19·4
B. B. & C. I. .. .	1,090	15 9
E. B.	276	7·78
E. I.	766	12 2
G. I. P.	1,045	9·02
M. & S. M.	832	11 3
N. S.	619	11 8
N. W.	781	14·2
S. I.	522	24 5
3'—3½" Gauge.		
A. B.	521	13·5
B. & N. W.	180	26·6
B. B. & C. I.	511	15 8
Burma	512	26·7
E. B.	326	13·8
Jodhpur	956	15·0
M. & S. M.	269	11·4
N. S.	769	2·78
R. & K.	448	17·0
S. I.	809	41·2

Comparative abstract of Carriage and Wagon Workshop repairs on Class I Railways. Passenger Carriages, 1934.

Name of Railway.	Average cost of repairs per passenger carriage (in terms of 4-wheelers) during the previous 3 months.	Average period in months passenger carriages despatched were in service prior to undergoing repairs.
	Rs.	
	April.	April.
5'—6" Gauge.		
Bengal Nagpur	915	10 9
Bombay, Baroda and Central India ..	712	8 52
Eastern Bengal	942	10 0
East Indian	741	12 2
Great Indian Peninsula ..	752	10·1
Madras and Southern Mahratta .	834	14·0
Nizam's State .. .	1,342	21·6
North Western	697	13·7
South Indian	630	15·3
3'—3½' Gauge.		
Assam Bengal	630	18·9
Bengal and North Western	207	13 0
Bombay, Baroda and Central India .	563	13·6
Burma	453	27 0
Eastern Bengal .. .	328	15·3
Jodhpur	524	12·4
Madras and Southern Mahratta ..	360	13·1
Nizam's State .. .	1,132	21·2
Rohilkund and Kumaon	226	19·4
South Indian	435	28·0

Comparative abstract of Carriage and Wagon Workshop repairs on Class I Railways.

Wagons.
1929.

Name of Railway.	Average cost of repairs per wagon (in terms of 4-wheelers) during the previous 3 months.	Average period in months wagons despatched were in service prior to undergoing repairs.
	Rs	
5'—6" Gauge.	April.	April.
B. N.	279	26·8
B. B. & C. I.	140	24·2
E. B.	121	22·5
E. I.	153	24·3
G. I. P.	189	23·0
M. & S. M.	288	30 8
N. S.	316	24·7
N. W.	59	21 6
S. I.	122	24·4
3'—3½" Gauge.		
A. B.	130	31·4
B. & N. W.	144	43·5
B. B. & C. I.	112	45·6
Burma	392	50·5
E. B.	133	23·4
Jodhpur	139	28·5
M. & S. M.	138	39·1
N. S.	131	24·0
R. & K.	127	25·0
S. I.	118	39·0

Comparative abstract of Carriage and Wagon Workshop repairs on Class I Railways.

Name of Railway.	<u>Wagons.</u> 1934.	
	Average cost of repairs per wagon (in terms of 4-wheelers) during the previous 3 months.	Average period in months wagons despatched were in service prior to undergoing repairs.
5'-6" Gauge.	Rs.	April.
B. N. .. .	224	34 5
B. B. & C. I. .. .	176	26·9
E. B. .. .	160	27·2
E. I. .. .	241	23·4
G. I. P. .. .	220	35·4
M. & S. M. .. .	237	28 7
N. S. .. .	394	31·5
N. W. . . .	210	30 8
S. I. .. .	212	42 7
3'—3½" Gauge.		
A. B. .. .	162	40·4
B. & N. W. .. .	122	34 3
B. B. & C. I. .. .	145	39·6
Burma .. .	338	40·0
E. B. .. .	99	28·9
Jodhpur .. .	86	29 6
M. & S. M. . . .	127	35·9
N. S. . . .	190	39·8
R. & K. .. .	40	35·0
S. I. . . .	119	44·0

RECOMMENDATIONS OF THE STATE RAILWAY WORKSHOPS COMMITTEE.

19. **Mr. V. V. Giri :** Will Government be pleased to lay on the table a statement showing the action so far taken on each of the recommendations of the State Railway Workshops Committee ?

Mr. P. R. Rau : A statement showing the action taken on the more important recommendations is attached.

Major recommendations of the State Railway Workshops Committee.

GENERAL.

- | | |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>347 A wholehearted attempt must be made by all railways to adopt standard locomotive, carriage and wagon details.</p> <p>407 Improvements in the internal organisation of all mechanical workshops are & urgently called for.</p> <p>408</p> <p>409</p> | <p>Standard locomotive carriage and wagon details have been adopted by all railways.</p> <p>Repairs are now scheduled in all State Railway Workshops. Production Engineers have also been appointed, and each shop has an organisation for the inspection, and gauging of work done in each shop. A Metallurgist has been appointed for the Moghalpura shops and is in charge of a laboratory where the inspection and testing of materials is carried out.</p> |
| <p>415 Accepted life of a loco. boiler should be reduced from 25 to 17 years.</p> | <p>A life of 17 years for locomotive boilers has been assumed for the purpose of forecasting their replacement but the actual condemnation of a boiler depends upon its condition.</p> |
| <p>423 An urgent need exists for the examination of the present system of store-keeping and the substitution by one more satisfactory.</p> <p>427</p> | <p>The system of store-keeping has since been revised on all railways.</p> |

NORTH WESTERN RAILWAY.

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>219 Proposals for extensions to the boiler shops and the iron foundry in Moghalpura shops are not justified.</p> | <p>No extension to these shops has been made.</p> |
| <p>220 Rawalpindi and Karachi locomotive & workshops are to be closed down entirely.</p> <p>221 A new 40 pit locomotive shop is to be laid down at Sukkur capable of extension to 80.</p> | <p>Rawalpindi and Karachi locomotive shops have been closed down. A new locomotive shop at Sukkur has not been provided as owing to the improved out-turn from the Moghalpura shops there is no necessity for it.</p> |
| <p>266 Karachi and Rawalpindi are to be closed down as carriage repair shops, the work being concentrated at Sukkur in an up to date shop capable of dealing with all coaching stock previously repaired at smaller shops.</p> | <p>The carriage repair shops at Karachi and Rawalpindi have been closed down</p> |
| <p>Wagon repair shops to be provided at Rawalpindi and Sukkur with covered accommodation for 50 wagons each and at Karachi for 100 wagons.</p> | <p>Wagon repair shops at Rawalpindi and Karachi have not been provided as due to improved organisation the Moghalpura and Sukkur shops can deal with all requirements.</p> |
| <p>420 The bonus system in the loco. shops at & Moghalpura is unsound and should be substituted by one more satisfactory.</p> <p>422</p> | <p>Has been substituted by a piece work system.</p> |

NORTH WESTERN RAILWAY—*contd.*

- 425 The distribution of carriage and wagon stores now carried out in the workshops at Moghalpura should be discontinued, the work being done by the Stores Department. Has been done.

EAST INDIAN RAILWAY.

- 275 The capacity of Lillooah for wagon repairs should be increased by 50 per cent. Further increase of a capacity of 300 units should be distributed between Lucknow and Ondal. Due to improved methods of working the outturn of wagons repaired per day from Lillooah has been so increased that the necessity for this recommendation did not arise.

- 225 Recommendations regarding Lucknow 227 and Jamalpur Locomotive shops. The recent earthquake at Jamalpur did extensive damage to the locomotive workshops. As considerable re-building was necessary, advantage has been taken of the opportunity to bring the whole shop lay-out up to modern standards. Certain of the machinery which was in the Lucknow shops is being transferred to Jamalpur. Work will then be concentrated more at Jamalpur with consequent economy in production.
- 314
316
to
320

- 353 Concentration of the building of as many of the lower class bogie vehicles for all railways as the shops can possibly undertake is recommended at Lillooah. Not accepted as it would have involved the dislocation of labour in other provinces and in the event of labour trouble there jeopardise the supply of lower class stock to all railways.

GREAT INDIAN PENINSULA RAILWAY.

- 235 A gradual transference should be effected of all manufacturing work from Parel to Jhansi. Transfer was completed some years ago. Jhansi is now a Carriage and Wagon repair workshop only.

- 234 The remodelling of Jhansi shops must be expedited
285 Jhansi remodelling proposals for 96 units (carriage repairs) should be curtailed } Proposal was later abandoned. A minor re-modelling scheme to enable workshops to be more adequately employed as carriage and wagon repair shops has been sanctioned and is now in hand.

- 287 Wagon repair shops should be put down at Jhansi of 120 wagon capacity and at Bhusawal of 75 wagon capacity. All wagon repairs are now concentrated at Matunga and Jhansi.

- 325 New erecting boiler and tender shops are necessary for Jhansi and a large area may be made available for auxiliary shops if the erecting boiler and tender shops are removed from the present site. All locomotive repairs are now carried out at Parel.

- 283 Coaching repair accommodation at & Matunga should be extended by commandeering the steel workshop, also additional crane power provided. With improved scheduling and programme schemes for carriage and wagon repairs the desired out-turn has been obtained without putting the proposal into effect.

- 286 Covered wagon repair accommodation at Matunga should be increased from 72 to 105 units. When the present minor remodelling of Jhansi shops is complete 85% of wagon repairs will be undertaken at Jhansi and there is no need for any additional covered accommodation at Matunga for the purpose.

EASTERN BENGAL RAILWAY.

Saidpur Workshops.

- 241 The present Saidpur shops must be retained and an up to date efficient shop of about 50 pit capacity should be built. It has subsequently been represented that it will be more economical to carry out metre gauge wagon repairs at Kanchiapara and the matter is being investigated.
- 352 The building of four-wheeled miscellaneous vehicles, horse-boxes, motor-vans, etc., should be concentrated at Kanchrapara. Not accepted for reasons similar to those given against para. 353.
- 293 The existing repair shop accommodation for wagons should be doubled bringing the total capacity up to 120. Owing to improved methods of working, a minor extension to the shops has been found sufficient to deal with all necessary wagon repairs.
- 296 Saidpur Carriage and Wagon shops & must be rebuilt on modern lines, the size of the shop being the same as at present for coaching stock but with respect to wagons increased to accommodate 80 units. Owing to financial stringency this matter has been postponed and is now under investigation.

SAFETY OF INDIANS IN ABYSSINIA.

20. **Mr. Akhil Chandra Datta :** (a) Are Government aware that there is a large Indian population residing and doing business in Abyssinia ?

(b) Have Government taken suitable steps to ensure their safety in the event of a break of war between Abyssinia and Italy ? If not, do Government propose to do so ?

Mr. J. G. Acheson : (a) Yes : there are about 1,000 Indians in Abyssinia.

(b) The Honourable Member is referred to the communiqué which appeared in the Press on the 23rd August, 1935.

QUESTION OF GRANTING JURISDICTION OF BARWALA VILLAGES TO THE LIMBDI STATE.

21. **Mr. N. V. Gadgil :** (a) Will Government be pleased to state :

- (a) the stage at which the question of granting jurisdiction of Barwala villages to Limbdi State stand at present ;
- (b) whether the method of ascertaining the wishes of the inhabitants of the villages has been decided upon ; if so, what will be the method and the time when the said ascertaining of wishes will take place ?

Mr. J. G. Acheson : (a) The matter is still under consideration.

(b) The reply to the first part of the question is in the negative and the second part does not arise.

CEDING OF JURISDICTION OVER CERTAIN VILLAGES IN VIRAMGAON TO THE
PATDI DURBAR.

22. **Mr. N. V. Gadgil :** (a) Will Government be pleased to state whether it is a fact :

(i) that the Darbar of Patdi in Viramgaon Taluka in Ahmedabad District in Bombay Presidency has applied for ceding to them jurisdiction over his 17 revenue villages in Viramgaon Taluka ,

(ii) that the people of Patdi have sent to the Government their protest against this proposal and whether the said protest has been received by the Government of India ?

(b) What is the state at which this matter stands at present ?

(c) Whether the wishes of the people of Patdi villages will be consulted, before the matter is finally decided ?

Mr. J. G. Acheson : (a) (i). Yes.

(ii) Some protests have been received.

(b) The matter is under consideration.

(c) No decision to transfer the administration of the villages in question to the rule of the Patdi State will be taken without first ascertaining the wishes of the inhabitants of the villages.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 567 asked by Mr. Sitakanta Mahapatra on the 14th August, 1934.

TECHNICAL INSTITUTIONS IN INDIA.

Statement giving the Information regarding Technical Institutions in India run or aided by the Central Government. The information relates to the years 1931-32, 1932-33 and 1933-34.*

Name of institution	Whether Government of India or aided	Average annual expenditure or annual grant-in-aid.	Average annual number of students successful	Average annual percentage of successful students provided with Government employment.
<i>Bombay</i>		Rs		
Victoria Jubilee Technical Institute, Bombay.	Aided by G. I. P Railway (Up to May 1935).	5,147	16	54
Training Ship "Dufferin", Bombay	Government of India.	2,34,375	29†	25

Name of institution.	Whether Government of India or aided.	Average annual expenditure or annual grant-in-aid.	Average annual number of students successful.	Average annual percentage of successful students provided with Government employment.
<i>Bengal.</i>				
Ordnance Technical School, Ishapore	Government of India	Rs. 6,200	5	23
Kanchrapara Technical School ..	Aided by E. B. Railway.	45,974	4	28
<i>United Provinces</i>				
Harcourt Butler Technological Institute, Cawnpore.	Aided .	20,000	11	7
Government Technical School, Lucknow.	Aided by E. I. Railway.	240	96 (attending).	All were already in employment.
Government Technical School, Jhansi.	Aided by G. I. P. Railway.	31	13	20
<i>Bihar and Orissa.</i>				
Technical School, Jamalpur .	Maintained by E. I. Railway.	1,80,781	75	40 Apprentice Mechanics. 60 Trade apprentices. (100 Special Class Apprentices in 1933-34 only).
Indian School of Mines, Dhanbad.	Government of India	1,54,217	12 Certificate Examination 14 Diploma.	4
<i>Mysore.</i>				
Indian Institute of Science, Bangalore	Aided .	1,50,000	25	26

* Technical and industrial institutions in centrally administered areas have not been included.

† A further apprenticeship at sea is necessary to secure Second Mate's Certificates : so far 20 ex-cadets have secured this.

Information promised in reply to starred questions Nos. 17 and 18 asked by Dr. Ziauddin Ahmad on the 5th February, 1935.

CONTRACTS FOR THE SUPPLY OF COOLIES ON THE EAST INDIAN RAILWAY.

No. 17 (a).—Station Masters are responsible for arranging for coolies at the following stations :—

Bandel.	Sitarampur.	Hazaribagh Road.
Burdwan	Madhupur	Burhee
Ramganj.	Giridih.	Japla
Kulti.	Simultala.	Sheikhpura.
Barakar.	Jherria	Nawadah.
Gomoh.	Bermo.	Kudra.
Kodarma.		

(b) If the complaint is intended to be against a station master personally, it should be made to his superior officer.

(c) Convenience.

(d) There is no necessary analogy between the two.

ALLEGATIONS AGAINST THE CONTRACTORS OF COOLIES ON THE EAST INDIAN RAILWAY.

No. 18 (d).—The amount paid for loading and unloading goods at Moghalserai, Bareilly and Lucknow for the six months ending December 1934 was as follows.

							Rs.	A.	P.
Moghalserai	..	..	..	..	..	..	4,045	9	0
Bareilly	..	..	..	..	..	..	3,502	4	0
Lucknow	.	..	.	.	.	..	5,023	4	0

(Saharanpur station is worked by the North Western Railway).

Information promised in reply to unstarred question No. 7 asked by Mr. V. V. Giri on the 5th February, 1935.

CONSTITUTION AND WORKING OF STAFF COMMITTEES ON STATE RAILWAYS.

Copies of circulars, etc., describing the constitution and working of the various forms of Staff Committees on State-owned railways have been placed in the library of the House.

Information promised in reply to starred question No. 158, asked by Mr. V. V. Giri on the 12th February, 1935.

RE-EMPLOYMENT OF RETRENCHED STAFF ON STATE RAILWAYS.

(a) The number of persons who have been re-employed after retrenchment in 1931 on the different State-owned Railways and the number of persons still on the waiting list is as follows.

Railways	No. of persons who have been re-em- ployed after retrenchment in 1931	No. of persons still borne on the wait- ing list.
North Western	4,841	1,263
Assam Bengal	416	193
Burma	272	774
Bombay, Baroda and Central India	1,399	752
South Indian	1,064	197
Great Indian Peninsula	5,014	3,051
Eastern Bengal	650	221
Madras and Southern Mahratta	152	135
Bengal Nagpur	711	201
East Indian	3,963	3,759

(b) The number of persons appointed without previous railway experience on the different State-owned Railways is as follows :

Railways.	No. of persons appointed without previous railway experience.
North Western	Nil.
Assam Bengal	1,880
Burma	32
Bombay, Baroda and Central India	3,018
South Indian	(a)
Great Indian Peninsula	1,356
Eastern Bengal	2,787
Madras and Southern Mahratta	2,574
Bengal Nagpur	199
East Indian	6,342

Government are informed that outsiders have been employed by railway administrations in categories in which no suitable men were available from the waiting list or in cases in which men did not accept employment offered to them for one reason or other.

[57]

Information promised in reply to questions Nos. 173 and 174 asked by Mr. Ahmed Ebrahim Haroon Jaffer on the 12th February, 1935.

TERMS OF THE OUDH BEQUEST ADMINISTERED BY HIS MAJESTY'S CONSULATE, BAGHDAD.

173. (a) The terms of the Oudh Bequest are given in treaty* No. LXII, dated the 17th August, 1825, printed on pages 161—164 of Atchison's Treaties, Engagements and Sanads, Volume II, 5th Edition (1929), which is a priced publication. As regards the Oudh Bequest administered by His Majesty's Consul at Baghdad your attention is invited to Article 5 of the treaty

(b) The information asked for is contained in the statement attached.

TREATY No. LXII.

Agreement between His Majesty Aboo-ul-Mozuffur Morzood Deen Ghazee-ood-Deen Hyder Shah, King of Oude, and the British Government on account of a sum which the former has given as a loan to the Honourable Company, settled by His Majesty on his part, and by M. Riel etts, Esq., Resident at the Court of the King of Oude, on the part of the British Government, in virtue of full powers vested in him by the Right Honourable William Pitt, Lord Amherst, Governor-General in Council, etc., etc., 17th August, 1825.

Article 1

His Majesty the King of Oude has given as a loan, for ever, to the Honourable Company, one crore of Rupees, the interest whereof being five lakhs of Rupees per annum, will be paid from the 1st of Mohurram, 1241 Hegira, to the persons hereafter particularized, by monthly instalments; and the interest of this sum will always remain at five per cent, per annum though the British Government may reduce their interest below or raise it above the aforesaid rate

(a) Reports that no new recruitment has been made of categories of staff represented on the waiting list

*Copy enclosed for ready reference

Article 2.

This loan is made in perpetuity, the sovereigns of the Kingdom of Oude shall never have the power to take it back, nor shall they exercise any interference with its interest.

Article 3.

The British Government guarantees that it will pay for ever the monthly sums hereafter mentioned out of the interest of the above loan, to the persons set down in this instrument, in the current coin of the place where they may reside, without any deduction whatever.

Article 4.

The Honourable Company will always protect the honour of the stipendiaries, who will be paid out of this fund, and it will be the protector of their possessions, such as houses and gardens (whether bestowed by the King of Oude, or purchased or built by themselves), from the hands of the sovereign and their enemies, and in whatever city or country they may be, their allowances will be paid to them there.

Article 5.

This Agreement having been settled by His Majesty the King of Oude for himself and by M. Ricketts, Esq., Resident at the Court of Lucknow, on the part of the British Government, the Resident at Lucknow has delivered one copy thereof in Persian and English, signed and sealed by him, to His Majesty the King of Oude, from whom he has received a counterpart, also duly executed by His Majesty. The Resident engages to procure and deliver to His Majesty the King of Oude a copy of the same, under the seal and signature of the Right Honourable the Governor General in Council, when that executed by the Resident will be returned.

Interest Rupees Five Lakhs per annum by Solar Years.

Twelve months, at per month Rupees forty-one thousand six hundred and sixty-six, ten annas, and eight English pie (Rs. 41,666-10-8).

To the persons attached to the new Imambareh, called Imambareh Nujuf Ushruf, according to a separate detail, Rupees one thousand one hundred and thirty-seven, ten annas, and eight pie (Rs. 1,137-10-8).

This sum will be paid for ever to the person who will be appointed to the charge of the Imambareh through the King and its Amlah or officers will be kept or discharged at the pleasure of the superintendent.

Nabob Mobaruk Muhul, Rupees ten thousand (Rs. 10,000).

This allowance will be paid to the Begum Nabob Mobaruk Muhul during her life-time, and after her demise one-third of the allowances will be paid to any person, or for any purpose, she may will. the remaining two-thirds and whatever may be the saving of the one-third agreeably to the will, which will be an addition to the two-thirds, or in case of her not making a will, the whole allowance is to be divided into two equal parts, one-half to be given to the Nujuf Ushruf, and the other half for Kerbulla to the High Priest and Majawurs, or persons who have its charge on the part of the said King, that His Majesty might thereby derive its benefits.

Sultan Marium Begum, Rupees two thousand five hundred (Rs. 2,500).

To be given during the life-time of Sultan Marium Begum, as to Nabob Mobaruk Muhul, and after her death to be appropriated in the same manner.

Moomtaz Muhul, Rupees one thousand one hundred (1,100).

As the foregoing.

Surfraz Muhul, Rupees one thousand (Rs. 1,000).

Ditto. Ditto. Ditto.

The servants and dependents of Surfraz Muhul, as per separate list, Rupees nine hundred and twenty-nine (Rs. 929).

To be paid in perpetuity as per separate statement. The allowance of persons dying without heir, to be added to the sums for Nujui Ushruf and Keribulla.

Nabob Moatummud-ood-Dowla Behauder, Rupees twenty thousand (Rs. 20,000).

This allowance is to be paid in perpetuity to the Nabob and his heirs. It will be paid in perpetuity after his demise, agreeably to his will, to his sons, daughters, and wives, and other dependents. If it happens that he makes no will, in that case the allowance is to be given to his lawful heirs, according to the laws of inheritance, in conformity to the tenets of the Sheeas. The allowances which are assigned to his wife, one son, and a daughter, from this fund, as specified below, are also to be continued in perpetuity separately, and whatever the Nabob may bequeath to them out of the above allowance, is to be given to them in perpetuity separately, and, in like manner, if a will be not made, shares are to be given to these three persons from the Nabob's allowance according to law.

Nabob Begum, the wife of Nabob Moatummud-ood-Dowla, Rupees two thousand (Rs. 2,000).

This allowance is to be paid to her during her life-time, and after her death to be paid to her lawful heirs, in perpetuity, according to the laws of inheritance, in conformity to the tenets of the Sheeas.

Nabob Aulecab Begum, the daughter of the said Nabob, Rupees one thousand (Rs. 1,000).

According to the foregoing rule.

Ameen-ood-Dowla Behauder, son of the Nabob, Rupees two thousand (Rs. 2,000).

Ditto

Ditto.

Ditto.

Done at Lucknow, the 1st Mohurum, 1341 Hegva, corresponding with the 17th August, 1825.

MORDANT RICKETTS,

Resident.

AMHERST.

J. H. HARRINGTON.

W. B. BAYLEY.

Ratified by the Right Honourable the Governor General in Council at Fort William in Bengal, the Thirtieth day of September, One Thousand Eight Hundred and Twenty-five A. D.

GEO. SWINTON,

Secretary to Government.

Statement of account of Oudh Bequest administered by His Majesty's Consul at Baghdad.

163LAD

Receipts.	Id. Fils.	Amount.	Payments.	Id. Fils.	Amount.
		Rs. s. p.			Rs. s. p.
To opening balance on 1st January, 1934.	Id. Fils. 387-273 3-000	5,203 10 0	By amounts distributed at Najaf and Karbala during January, 1934.	2349-050	31,320 10 6
To drawal from Government of India during January, 1934, through A/C current with A. G. C. R.	..	30,654 0 0	By amounts distributed at Najaf and Karbala during April, 1934.	2349-050	31,320 10 6
Ditto April, 1934	..	30,654 0 0	By amounts distributed at Najaf and Karbala during July, 1934.	2349-050	31,320 10 6
Ditto July, 1934	..	30,654 0 0	By amounts distributed at Najaf and Karbala during October, 1934.	2199-390	29,325 3 0
Ditto October, 1934	..	30,654 0 0	By miscellaneous expenses during the year.	8-319	110 15 3
			By closing balance on 31st December, 1934.	9254 859 331-614	1,23,398 1 9 4,421 8 3
				9586-473	1,27,819 10 0

B2 BAGDAD.

(Sd.) ILLEGIBLE,

Dated April 3rd, 1935.

H. M. Consul

TERMS OF FATEH ULLAH KHAN'S ZINDIYAH BEQUEST.

174. (a) A memorandum giving a description of Fateh Ullah Khan's Zindiyah Bequest is enclosed.

(b) The information asked for will be found in the statement attached.

Annuity of Fatehullah Khan, otherwise known as Zandiyah Bequest.

In the year 1822, while on a visit to India, a Persian prince named Fatehullah Khan, son of Lutf Ali Khan, expressed to the Supreme Government a wish to deposit a certain sum in the Treasury, his object being to provide against the possible sequestration or extortion of a portion, at all events, of his fortune in the event of his falling into disfavour in his own country. The Supreme Government were disposed to meet his wishes, and eventually, on January 24, 1824, he paid a sum of Rs. 40,000 into the Treasury at Bombay, assigning the amount unconditionally to the Honourable East India Company. In return the Company undertook, in a document of which a translation is annexed to this memorandum, to pay the sum of Rs. 2,400 yearly, being interest at 6 per cent., to Fatehullah Khan during his life-time, to his mother and sister after his decease, and, on the death of these, to the "Mujtahid of all the priests at the 'sacred tomb' (i.e., Karbala), for the use and benefit of poor pilgrims and the indigent dwellers about the hallowed region".

Translation of a paper presented in the name of the Honourable the Governor in Council at Bombay to His Highness Prince Fatehullah Khan on the 24th day of January, 1824, by way of receipt for certain monies delivered by His Highness into the Honourable Company's Treasury

This writing is to certify that an agreement has been made on the part of the Honourable Company's Government to pay yearly, and so long as their authority shall last, the sum of Rs. 2,400 Bombay rupees to His Highness the Most Noble and illustrious Prince Fatehullah Khan, etc., etc., and whereas this illustrious Prince is without progeny and the number of his heirs is confined to two, namely, his mother and his sister, the property and disposed of the above-mentioned yearly sum is hereby secured to him during his life time, with reversion after him to his mother and sister; and on their deaths to the Mujtahid of all the Priests residing at the sacred tomb to be employed by him for the use and benefit of poor pilgrims, and the indigent dwellers about that hallowed region. The above is written by way of document authorizing all the Agents of the Honourable Company residing in Persia, whether at Baghdad, or at Bushire, or at Bussora, when they shall have perfectly comprehend its contents and the object with which this paper has been written, to pay the sum therein specified, year by year, and without any delay or evasion either to the Agent of the above-named illustrious Prince or to the Agents of His Highness' mother and sister; and after them, to the said Moojtahid as above-mentioned, on receiving a proper receipt from such person or persons. It is necessary also briefly to notice that if by accident it should happen that the issue of any portion of the above-mentioned yearly payment should be stopped, interest shall be allowed by the Honourable Company's Government at the rate of 6 per cent. from the date on which such issue ceased to be regularly made.

(Sd.) WILLIAM SIMSON,

Ag. Persian Secretary to Government.

True translation.

(Sd.) WILLIAM SIMSON,

Ag. Persian Secretary to Government.

Statement of account of annuity of Fatchullah Khan otherwise known as Ziauddin Hussain

STATEMENTS LAID ON THE TABLE.

69

Receipts.	Id. Fils.	Amount.	Payments.	Id. Fils.	Amount.
		Rs. a. p.			Rs. a. p.
To opening balance on 1st May, 1933 ..	4-678	62 6 0	By expenses on lighting chandelier at Kadhman for the period upto 30th April, 1933.	21-000	280 0 0
To drawal from Government of India through A./C. current with A. G. R. during May, 1933 (interest due for year ended 30th April, 1933).	180 000	2,400 0 0	By distribution at Karbala and Najaf during July, 1933.	26-500	353 5 0
			By distribution at Kadhman during September, 1933.	47-000	626 12 0
			By distribution at Karbala and Najaf during October, 1933.	26-500	353 5 0
			By distribution at Karbala and Najaf during January, 1934.	26-500	353 5 0
			By distribution at Karbala and Najaf during April, 1934.	26-500	353 5 0
			Closing balance on 30th April, 1934 ..	174-000	2,320 0 0
				10-678	142 6 0
	184-678	2,462 6 0		184-678	2,462 6 0

(Sd.) ILLEGIBLE,

H. M. Consul.

BAGDAD,

Dated April 3rd, 1935.

Information promised in reply to starred questions Nos. 198 and 199 asked by Lieut.-Colonel Sir Henry Gurney on the 13th February, 1935.

INCOME-TAX OFFICERS IN BENGAL.

198. (a) and (b). The answer is in the affirmative.

(c) This apparently refers to the scheme of re-organisation to which effect was given from March, 1927. The initial pay of Income-tax Officers was from that date fixed at Rs. 500 and not three but six officers were allowed to draw pay at that rate with effect from 1st March, 1927. Ten more officers were allowed to draw pay at this rate with effect from 1st February, 1928.

(d) (i) and (ii). The reply is in the affirmative.

(iii) In the case of persons recruited to the Department but not transferred from the Provincial Subordinate Service of the Local Government, the designation of Assistant Income-tax Officer was continued till a particular officer was placed in charge of a district. In some cases, however, for special reasons Assistant Income-tax Officers were vested with the powers of an Income-tax Officer and placed in charge of Districts, but for departmental purposes were still treated as Assistant Income-tax Officers.

(e) Which three particular officers are intended is not understood. Of the six officers who were allowed to draw pay at the rate of Rs. 500 per month as stated in reply to part (c), four who came over from the subordinate civil service were designated Income-tax Officers from the date of their original appointment in this department. The last two of the batch of six were designated Assistant Income-tax Officers up till the time they were placed in charge of districts. The four referred to above passed their departmental examination before being placed in independent charge of districts; at the time the other two were placed in charge of districts, they had already passed in all subjects except the vernacular and they passed in these subjects later.

RE-ORGANIZATION OF THE SUPERIOR STAFF OF THE INCOME-TAX DEPARTMENT IN BENGAL.

199. (a), (b), (c) and (e). Yes.

(d) The reply is in the negative. The Civil List of April, 1927, shows in all 69 officers (Income-tax Officers and Assistant Income-tax Officers) grouped together and of these 32 officers were holding charge of districts at that date. Not all the Income-tax Officers and Assistant Income-tax Officers shown in the list were then confirmed.

(f) The answer is in the negative and the orders regarding the re-organisation were strictly adhered to. Those orders did not direct that full effect was to be given to the scheme from the 1st March, 1927; on the contrary they authorised the Commissioner to give gradual effect to the scheme.

(g) (i). The initial pay of these officers was fixed under Fundamental Rule 22 (b) in accordance with the orders of the Government of India.

(ii) and (iii). Of the six officers mentioned in the reply to part (c) of question No. 198 the pay of three was fixed at Rs. 500 from the 1st March, 1927. Their pay immediately prior to this date was Rs. 450 and they were given advance increments of Rs. 50 with effect from the 5th August, 1927, as sanctioned by the Government of India.

(h) All officers other than those referred to in the preceding part were not brought on to the new scale immediately and this was done with the approval of the Government of India.

(i), (j) and (k). The answer is in the affirmative.

(iii) On a reference to the Civil List it is found that the increment of one Income-tax Officer is drawn from the 2nd of June and it is possible that this officer was transferred to the new scale with effect from the 2nd of June, 1928. If the Honourable Member gives the name of the officer or officers concerned, the matter can be traced.

(j) Representations were made by certain officers some of whom were drawing more than Rs 500 when the reorganisation orders came into force and some of whom were drawing less. To the former the Commissioner replied that their initial pay in the new scale would be fixed under rule 22 (b) or the Fundamental Rules under which no benefit would accrue to them except that contemplated by that rule and to the latter he replied that as they had been appointed to a new time-scale of pay the question of exercising option under Fundamental Rule 23 did not arise.

(k) The question does not arise as the orders regarding re-organisation were fully observed.

(l) This question also does not arise, as the orders of the Government were fully complied with.

Information promised in reply to starred question No. 296 asked by Mr. K. L. Ganba, on the 18th February, 1935.

STAFF AREA COUNCILS FORMED ON THE NORTH WESTERN RAILWAY.

(a) There are at present 29 Areas Staff Councils on the North Western Railway introduced with a view to provide staff both literate and illiterate, through their elected representatives with a means to discuss staff affairs and welfare questions.

(b) The Agent, North Western Railway, reports that no record has been maintained and that the compilation of the information would entail a great deal of labour not commensurate with the results to be obtained.

(c) The Agent, North Western Railway, further reports that glass tumblers are supplied to senior subordinates without racial discrimination. The request made by the Headquarters Area Staff Council was considered but it was not accepted as there are watermen employed in the headquarter's office, who have orders to supply drinking water to the staff.

(d) The Agent, North Western Railway, reports that only one Member of the Headquarters Area Staff Council resigned giving as his reason his inability to continue as a member and that this information in regard to other Area Staff Councils is not available in his office.

(e) and (f) Government understand that the Areas Staff Councils provide the staff both literate and illiterate through their elected representatives, with a means to discuss staff affairs and welfare question and that the resolutions passed by these Councils are given due consideration before decisions are reached and that judging by the extensive use made of this machinery it is much appreciated by the staff. Government are, therefore, not prepared to accept the suggestion contained in the Honourable Member's question that any money is wasted in maintaining this machinery.

Information promised in reply to parts (b) to (e) of starred question No. 308 asked by Mr. Lalchand Narayan on the 18th February, 1935.

ALTERATION IN THE DATE OF BIRTH OF LITERATE STAFF ON THE NORTH WESTERN RAILWAY.

308. (b) The Agent, North Western Railway, reports that since 1931 the procedure in connection with the alterations in the recorded dates of birth of illiterate staff has been that applications for alteration in the date of birth are investigated by examining the records and by interviewing the men concerned with a reference to the Medical Officer in case of doubt.

(c) The procedure hitherto did not provide for alterations in the case of literate staff of over five years' service.

(d) and (e) As the procedure followed on the North Western Railway was not strictly in accordance with the intentions of the Railway Board as stated in the reply given by the Chief Commissioner of Railways referred to in the question, the Agent, North Western Railway, has been instructed to modify the instructions so as to admit of each case being dealt with on its merits in accordance with the policy of the Railway Board.

Information promised in reply to starred questions Nos. 331 and 590, asked by Sardar Sant Singh on the 20th and 27th February, 1935, respectively.

SECURITY DEMANDED FROM PRESSES, PRINTERS AND PUBLISHERS.
Community of Printers and Publishers as far as known.

No. of Printing Presses required to give security.	No. of Publishers required to give security.	Europeans.	Anglo-Indians.	Hindus.	Muslims.	Sikhs.	Indian Christians.	Burmese.	Others.	No. of cases in which security has been forfeited.	No. of cases in which appeals have been filed.	Result of appeal.	Remarks.
322	509	.	.	574	142	83	9	4	3	34	17	Appeals dismissed in 12 cases and orders set aside in 5 cases.	

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 341 asked by Khan Sahib Sheikh Fazl-i-Haq Piracha on the 20th February, 1935.

CONSIDERATION OF THE CLAIMS OF GUARDS OF THE RAWALPINDI DIVISION WHO FAILED IN THE NIGHT VISION TEST.

The Agent, North Western Railway, reports as follows :

(a) The duties and the functions of the Central Labour Exchange, Moghalpura, as they obtained in 1931 are contained in the attached Memorandum. Since then the work of absorbing surplus staff has also been placed under the control of that Exchange.

(b) and (a). Staff declared medically unfit for employment in their own category, but considered fit for employment in other classes in which at the moment no suitable appointment can be found, are considered eligible for leave due preparatory to retirement. Employees who are granted such leave may, if suitable appointments can be found for them while they are on leave, be recalled and put back to work in those appointments. In addition to this, orders have lately been issued that even after the expiration of leave pending retirement such staff should be considered to have a prior claim before outsiders for any suitable employment which may become available.

(c) and (d) Responsibility for attempting to find employment for Guards who have failed in night vision tests primarily with the Divisions, who register their names, sending a copy for information to the Central Labour Exchange. It has been found possible during the last two years to provide alternative employment for such Guards on the Lahore, Delhi, Multan and Quetta Divisions to a greater extent than on the Rawalpindi Division where a fewer number of vacancies have occurred.

(e) The following is a list of seven guards who have failed in vision test on the Rawalpindi Division since 1932 and for whom no suitable employment has yet been found. Out of these seven, four are still on leave preparatory to retirement and the remaining three have retired on expiration of their leave. Their names and the dates on which each of the seven men failed are given below.

Name.	Date on which failed
1. Mr. Kanshi Ram	5th July, 1932 Passed C.-2 Unfit for Luggage Guard
2. Mr. Des Raj, son of Devi Dial	29th October, 1932.
3. Mr. Krishen Lal	9th May, 1933
4. Mr. Khushwaqt Rai	12th September, 1933.
5. Mr. Shiv Nath	3rd November, 1933.
6. Mr. Allah Ditta	10th April, 1934.
7. Mr. Des Raj, son of Shanker Dass	19th November, 1934.

(f) The names of such employees are not borne on any waiting list of retrenched staff, but they were noted for suitable employment, as described in the reply to parts (b) and (c) above from the dates mentioned in paragraph (e).

There are at present no vacancies of the Luggage or Road Van guards on the Rawalpindi Division to be filled up.

(h) Such Guards will only draw pay during the period of their leave pending retirement and not during any interval which may elapse between the expiration of that leave and the date of their re-employment

Memorandum.

1. The Central Labour Exchange will maintain a complete record of the name with full particulars of every individual employee discharged as surplus to establishment under the present economy campaign on the new Labour Exchange Card

2. The names and full particulars of such staff must, therefore, be communicated to the Central Labour Exchange irrespective of whether any such men

have since been given fresh employment, have secured employment elsewhere, expressed their unwillingness to serve again or are unlikely to accept any offer of fresh employment for any other reason.

3. The Central Labour Exchange will perform the work of recruitment of all staff in classes and grades controlled by Head Office from amongst discharged surplus employees and therefore demands must be placed on him when vacancies in such categories occur.

4. Divisions and extra-divisional officers will perform the work of recruitment of all staff in classes and grades controlled by them from amongst discharged surplus employees so long as they are able to comply with certain conditions and when no longer able to do so, will place their demands on the Central Labour Exchange.

5. To enable Divisional and extra-divisional offices to work to these general principles and the Central Labour Exchange to supervise the offers of fresh employment *Form C* (copy attached) will continue to be used but will be amplified by the addition of columns to show the following information :

- (i) Community,
- (ii) Date of discharge,
- (iii) The offer of employment made with scale and rate of pay,
- (iv) Acceptances of offers of employment,
- (v) Rejections of offers of employment,
- (vi) Failures to reply to offers of employment

6. Commencing with the week ending 4th July, 1931, *Form C* (copy attached) revised should be prepared in triplicate, one copy being forwarded to the Central Labour Exchange with a certificate that all names of discharged employees have been communicated and thereafter a weekly statement to show any further discharges that may take place accompanied by a certificate that no names have been omitted, a *nil* statement being submitted when no discharges have taken place, one copy handed to your Assistant Staff Warden and one kept by you.

7. When making offers of fresh employment to discharged staff of classes and grades controlled by you the order of seniority observed at the time of discharge will be applied when re-employing surplus staff, e.g., the most senior discharged employee, according to whether discharge was based on Divisional, Sub-divisional sectional seniority or the seniority at a station shed or in a trade or from among staff working under an individual, will be the first to be offered fresh employment subject to the instructions in regard to the adequate representation of minority communities.

8. A fresh service record is to be opened for each discharged employee given fresh employment and old records carefully filed, where such an employee has had previous service elsewhere his old record must be called and the Central Labour Exchange informed of his re-employment at the same time.

9. An *ex*-employee refusing fresh employment in his substantive appointment, is not to be given another offer without reference to this office.

10. An *ex*-employee refusing fresh employment in lower post may be given another offer of employment in turn in his substantive appointment without penalty.

11. An employee accepting fresh employment in a post lower than that previously held by him substantively or demoted or having accepted employment in a lower post as an alternative to discharge under reduction of establishment should subject to good work, be given due consideration for promotion in turn as interpreted in item 7 above when a suitable opportunity offers to the class or grade in which he was formerly employed or to a post of an equivalent or lower rank.

12. All acceptances, rejections and failures to reply to offers of employment must be duly recorded.

13. It is not proposed to fix a time-limit during which offers of employment will remain open in view of the distances the homes of such men may be from their work and the possibility of poor facilities for transport but ordinarily not less than one week should be allowed.

14. No outsider is to be engaged without the authority of this office.

Form 'C.'

Statement showing particulars of Staff discharged as a measure of economy.

1 Name	2 Father's name.	3 Community	4 Designation.	5 Date of birth.	6 Date of appointment.	7 Scale of pay.	8 Pay actually drawn.	9 Date of last increment.	10 Date of discharge.	11 Posts other than his own for which considered qualified.	12 The offer of employment made with scale and rate of pay.	13 Acceptances of offers of employment.	14 Rejections of offers of employment.	15 Failures to reply to offers of employment.	16 Remarks.
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Divisional Superintendent,
Head of Office.

Information promised in reply to starred questions Nos. 393, 395 and 396 asked by Mr. Mohan Lal Saksena on the 21st February, 1935.

DEGRADATION OF PERSONS WHO FAIL TO PASS THE REFRESHER COURSES OF THE CHANDAUSI AND ASANSOL RAILWAY SCHOOLS.

393. (a) There is no Training School at Asansol. As regards the school at Chandausi, Government are informed that the Divisional Superintendents have been given discretion to decide on the merits of each case the fitness of staff who fail in Refresher Courses for continuance in their posts and whether further increments should or should not be withheld.

(b) Yes, according to the orders current at the time

(c) The object of the Refresher Courses is to keep the staff posted up to date in rules directly connected with their duties and to maintain a uniform standard of efficiency. In the case of train passing staff these courses also serve a double purpose in that they ensure compliance with rules 327 and 330 of the Indian State Railways—General Rules for Open Lines of Railways in British India which require that an operator of block and token instruments shall hold a certificate of competency and that the certificate shall be periodically renewed. The danger to life and limb associated with train operation is a matter of such gravity to passengers and railway staff that the necessity for a periodical test of the efficiency of those responsible cannot be exaggerated.

(d) Government consider that it is necessary to take steps to see that the staff maintain the degree of efficiency required to ensure the safety and comfort of the travelling public and to prevent deterioration of the modern standard of proficiency which it is the aim of railways to maintain

(e) Government do not propose to issue any general orders but Divisional Superintendents have been authorised to review past cases of failure to pass the Refresher Course.

DEMOTION OF CERTAIN DRIVERS ON THE EAST INDIAN RAILWAY.

395. (a) Yes.

(b) These men were demoted in 1931 as a measure of economy. No undertaking was given to them, but in the instructions issued by the Railway Board for the guidance of the Agents, State-managed Railways, re carrying out the reduction of staff, it was laid down that when an employee who is retained in a lower post is subsequently promoted to his former grade, due consideration should be paid to the length and character of his previous service in determining his pay on such promotion

(c), (d), (e) and (f). The Agent, East Indian Railway, reports that under the rules these employees could only be given pay on re-promotion to their former grades at the rates previously drawn by them.

The Chief Operating Superintendent, however, erroneously issued orders fixing their pay at rates which they would have drawn had they not been demoted. These orders were *ultra vires* of the terms of Fundamental Rule 26 (a) according to which only periods of service in a post on a time-scale count for increment in that scale. Revised orders were therefore issued in August, 1934, regarding the fixation of their pay in conformity with the rules

(g) In view of the position explained in reply to parts (c), (d), (e) and (f) of the question, Government do not consider it necessary to order the re-fixation of their salaries.

RACIAL DISCRIMINATION IN THE SUPPLY OF UNIFORMS AND OCCUPATION OF QUARTERS, ETC., IN THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

396. The Agent, East Indian Railway, reports :

(a) Racial discrimination in the matter of supply of uniforms has been eliminated in the revised dress regulations. Quarters are provided for staff in accordance with

then grades and modes of living and racial discrimination is not made. Running rooms are constructed so as to meet the requirements of the different communities, as different castes and creeds object to living and eating in the same rooms.

(b) Uniform is supplied in accordance with the grade of the Station Masters and Assistant Station Masters irrespective of whether the grade is occupied by a European, Anglo-Indian or an Indian.

(c) and (d). Government are informed that full uniforms are provided for certain grades of Assistant Station Masters while for other less important grades only jackets are provided. Government do not consider it necessary to provide full uniforms to all grades of Station Masters and Assistant Station Masters.

Information promised in reply to starred questions Nos. 406, 407 and 408, asked by Mr. Muhammad Anwar-ul-Azim, on the 21st February, 1935.

IGNORING OF THE CLAIMS OF OLD TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

106. (a) Special Ticket Examiners who have been given the option to retain the scales of pay, formerly allowed to Travelling Ticket Examiners, as personal to them throughout, will be borne on a *pro forma* list and their promotions regulated in accordance with the vacancies occurring among the old Travelling Ticket Examiners, according to the number of posts which existed on 31st May, 1931. Government are informed that no outsiders have been appointed on the old scales of pay of Travelling Ticket Examiners and their chances of promotion to higher grades on the old scales of pay have not been affected.

(b) and (d) No. Presumably the Honourable Member is referring to Mr. Bhagat Singh, Watch and Ward Inspector (pay Rs. 140 per mensem), who was selected to officiate as a Head Special Ticket Examiner on Rs. 210 per mensem (in the grade Rs. 210—10—270) on the 16th July, 1926. His service on the North Western Railway dates from 17th July, 1923, and his pay was regulated under Article 526 of the Civil Service Regulations.

(c) Government are informed that railway administrations have framed no rules relating to the pay of military pensioners on employment which is regulated under Article 526 of the Civil Service Regulations. Government are, however, informed that there has been no breach of the rule referred to above.

(e) This is a matter which has been left to the Agent to decide. Government are not prepared to interfere with the action taken.

NON-MAINTENANCE OF THE STRENGTH OF THE OLD TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

407. (a) No. In the letter referred to an option was given to special Ticket Examiners who prior to the 1st June, 1931, held permanent posts as Travelling Ticket Examiners in a substantive capacity of retaining the old scales of pay as personal to them.

(b) Yes.

(c) Seven with effect from January, 1932. The strength is in accordance with present requirements.

(d) Yes. The action taken is in accordance with that decision.

(e) Yes.

PROMOTION OF OLD TRAVELLING TICKET EXAMINERS ON THE NORTH WESTERN RAILWAY.

408. (a) (i). 12.

(ii) 1.

(b) 12.

(c) 12 from dates varying from June, 1932 to June, 1934.

(d) It is not the practice to publish the seniority lists of staff of this description.

(e) One for about 10 months.

Information promised in reply to part (d) of unstarred question No. 42 asked by Srijut N. C. Bardaloi on the 22nd February, 1935.

INDIAN TEA LICENSING COMMITTEE.

There are no tea estates in South India, in which existing members of the Licensing Committee are interested, which have been inspected by or on behalf of the Indian Tea Licensing Committee. One estate, namely Talliar, in which a previous member of the Licensing Committee is interested was, however, inspected by an Officer appointed by the Licensing Committee.

Information promised in reply to unstarred question No. 51 asked by U Thien Maung, on the 22nd February, 1935.

BURMANS EMPLOYED AS OFFICERS IN CERTAIN DEPARTMENTS AND SERVICES IN BURMA.

Name of Department or service.	(a) Number and percentage of Burmans.	(b) All India percentage of Indians.	(c) Steps being taken by Government to increase the number of Burmans in the near future.
1. RAILWAY DEPARTMENT. (GAZETTED OFFICERS.)	8 and 7 2	41.25 ..	<p>The Burma Railway Company accepted the recommendation of the Lee Commission with a reservation in regard to Burmans instead of Indians to the extent of 75 per cent. adding that this percentage could only be reached if the requisite number of qualified Burmans became available.</p> <p>Since the taking over of the Burma Railways by the Government of India in 1929 recruitment to the superior services on the Burma Railways has been made under the same arrangements as are applicable to recruitment to the Superior State Railway Services in India. The Railway Board have, however, appointed suitable qualified Burmans or persons of Burma domicile as far as possible. Two such persons were appointed last year, one for training in the Engineering Department and the other for training in the Mechanical Engineering and Transportation (Power) Departments, the former has since been appointed to the service.</p> <p>The future arrangements will be arrived at after discussion between the management of the Burma Railways and the Burma Government.</p>

Name of Department or service.	(a) Number and percentage of Burmans.	(b) All India percentage of Indians.	(c) Steps being taken by Government to increase the number of Burmans in the near future
2. TELEGRAPH DEPARTMENT. (SUPERIOR TELEGRAPH ENGINEERING AND WIRELESS BRANCHES OF THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT.)	Nil ..	Does not arise	In the rules for recruitment to the Superior Telegraphs Engineering and Wireless Branches published in 1932 and 1933 preference was given to a Burman in respect of the vacancy reserved for a member of a minority community, but on both occasions a qualified Burman was not available. As recruitment to these Branches is by competitive examination held by the Public Service Commission and in view of the revised rules published in July 1934 on the subject of communal representation in Central Services recruited on an all-India basis, Government regret that they are unable to take any special steps to recruit Burmans to the Superior Telegraph Engineering and Wireless Branches unless individual Burman candidates attain a high qualifying standard in the examination.
3. CUSTOMS ..	Class I : Nil .. Class II : 3 and 12.50.	Class I 56% Class II : 57%	No special reservation have been made for Burmans in the Customs service.
4. MILITARY POLICE	46 and 15.97 ..	The Military Police is not an all-India force.	A re-organisation of the Burma Military Police is proposed under which the number and percentage of Burman officers will be increased to 66 and 22.06 respectively.
5. ARMY ..	68 and 47.8 ..	6.16 ..	No particular steps are being taken to increase the number of Burmans for appointment to the Army. They are now recruited to the full establishment of the units of the Burma Rifles. They are, however, eligible for entry into the Indian Military Academy, Dehra Dun, as Indians are, either direct or through the ranks.
6. INCOME-TAX	Class I : 1 and 20%. Class II : 27 and 47%.	Class I : 78 Class II : 96	Same as for Customs.

Name of Department or service.	(a) Number and percentage of Burmans	(b) All India percentage of Indians.	(c) Steps being taken by Government to increase the number of Burmans in the near future
7. CURRENCY OFFICE, RANGOON.	<i>Nil</i> ..	Does not arise	Same as for Customs.
8. THE ACCOUNTANT GENERAL'S OFFICE, RANGOON.	<i>Officers of the I. 2 and 28·57 .. Nil</i> <i>Assistant Accounts Officers.</i> ..	<i>A. and A. S. 86·83 .. 97 37 ..</i>	Same as for Customs
9. INDIAN CIVIL SERVICE (INCLUDING OFFICERS HOLDING LISTED POSTS).	39 and 25·49 ..	43·11 ..	A certain number of vacancies in Burma is set apart for Burman candidates every year. Besides, officers of the Provincial Civil Service are eligible for promotion to listed posts.
10. INDIAN POLICE.	8 and 10·67 ..	25·88 .	According to the scheme accepted by the Secretary of State the Indian Police cadre in Burma is eventually to consist of 50 per cent. Burmans. Recruitment in the province is being regulated accordingly and the number of Burmans is thus being gradually increased.
11. INDIAN MEDICAL SERVICE.	3 and 9 .. (excluding temporary Commissioned officers.)	34 (Excluding temporary Commissioned officers).	Burmans are eligible for selection for commissions in the Indian Medical Service equally with other Indians. The numbers admitted depend upon the merits of the Burman candidates offering in comparison with others.
12. THE RANGOON PORT TRUST.	23 and 27 ..	Information not collected.	The power to fill appointments in the service of the Rangoon Port Commissioners, other than the appointments of Chairman and Vice-Chairman, vests in the Commissioners themselves by virtue of the Rangoon Port Act, 1905. The Commissioners normally fill their higher appointments by promotion from the lower grades. When, however, there is no employee available with the required qualifications and recruitment has to be made from outside, special consideration is given to candidates of Burman domicile.

Information promised in reply to unstarred question No. 104 asked by Mr. Sri Prakasa on the 22nd February, 1935.

LAVATORIES IN THE THIRD CLASS CARRIAGES ON THE BENGAL AND NORTH WESTERN AND THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAYS.

I. Lighting arrangements.

Bengal and North Western Railway.—There are no lavatories in third class carriages without lights but in some of the older carriages light is admitted from carriage lighting through panes of glass at the tops of lavatory doors. Separate bulbs are being fitted in the lavatories of these carriages as they pass through shops for periodical repairs and orders have been given to expedite the work.

Bombay, Baroda and Central India Railway.—Lights have been provided in the latrines of all third class compartments on Metre Gauge system.

II. Accommodation.

Bengal and North Western Railway.—In coaches of recent construction the design admitted of third class latrines measuring 12 square feet and this scale of accommodation will be provided in stock to be built in future. The old carriages have latrines with an area of 8.54 square feet. When these carriages come into shops for rebuilding, the floor area of latrines will be increased to approximately 12 square feet.

Bombay, Baroda and Central India Railway.—The latrines of old third class carriages, which are now few in number, have a floor area of 6 to 10.5 square feet. All the latrines of new stock now built have an area of 12 to 12.5 square feet and over, except Bogie third and Brake Vans, which have 9 square feet floor area owing to the position of the bogies and the Guard's hand-brake, top operated.

Information promised in reply to part (a)(vi) of starred question No. 540 asked by Mr. Amarendra Nath Chattopadhyaya on the 25th February, 1935.

CERTAIN PARTICULARS REGARDING EAST INDIAN RAILWAY EMPLOYEES.

The number of retrenched staff re-employed, after the retrenchment in 1931 up to July, 1935, on the East Indian Railway, was 3,963.

Information promised in reply to starred question No. 573 asked by Mr. Muhammad Azhar Ali on the 26th February, 1935.

MILEAGE ALLOWANCE OF TRAIN DESPATCH CLERKS, ETC., OF THE OLD OUDH AND ROHILKUND RAILWAY.

The reply to the first part is in the affirmative. Government have, however, been informed since that the previous reply, referred to by the Honourable Member, related to Train Despatch Clerks who travel in trains taking and delivering railway mail on the old Oudh and Rohilkhand Railway portion of the East Indian Railway and are not entitled to mileage allowances. Persons now referred to by the Honourable Member are supernumerary brakemen of the old Oudh and Rohilkhand Railway who, pending absorption in some other suitable posts, are being utilised to work as letter delivery clerks and are being paid mileage allowance because they were entitled to it as brakemen. Government consider that the continuance of the mileage allowances to staff working as letter delivery clerks is not according to their present policies and the Agent, East Indian Railway, has been instructed to discontinue the practice and to absorb the men in categories the duties of which they are actually performing.

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Information promised in reply to the supplementaries to starred question No. 598 asked by Mr. Muhammad Azhar Ali on the 27th February, 1935.

DIFFERENT CADRES OF THE ESTABLISHMENT OF THE EAST INDIAN RAILWAY.

The information readily available is contained in the following publications :

- (1) East Indian Railway Classified List of subordinate staff of all Departments on scales of pay rising to Rs. 250 and above.
- (2) East Indian Railway Revised scales of pay (1934) for non-gazetted staff.
- (3) Classified List of State Railway Establishment and Distribution Return of Establishment of all Railways.

Copies of these publications will be found in the Library of the House.

Information promised in reply to parts (d) and (e) of starred question No. 602 asked by Mr. Muhammad Azhar Ali on the 27th February, 1935.

TRANSFER OF CONTROL OF THE RAILWAY SCHOOL OF TRANSPORTATION, CHANDAUSI, TO THE AGENT, EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports :

“(d) The staff of Railway Schools of Transportation at Chandausi were fitted into the revised scales of pay from the 16th August, 1933, the date from which they elected the revised scales of pay.

(e) The Circular in question was not applied with retrospective effect, but from the 16th August, 1933.”

Information promised in reply to a supplementary question by Professor N. G. Ranga to starred question No. 612 asked by Dr. Ziauddin Ahmad on the 27th February, 1935.

PROFIT AND LOSS ACCOUNT OF A SUGAR FACTORY.

The minimum prices of sugar cane fixed by the Governments of the United Provinces and Bihar and Orissa, for the season 1934-35, were published in the United Provinces Government's notification No. 2918|XVIII-676-34, dated the 25th October, 1934, and the Bihar and Orissa Government's notification No. 2284-D., dated the 10th December, 1934, respectively. Copies of these notifications have been placed in the Library of the Legislature.

Information promised in reply to starred question No. 628 asked by Dr. N. B. Khare on the 27th February, 1935.

PROMOTION OF INDIAN GUARDS ON THE GREAT INDIAN PENINSULA RAILWAY.

The Agent, Great Indian Peninsula Railway, reports :

(a) No Indian guards have been promoted to the passenger service. All vacancies since the current policy was introduced have been filled by retrenched passenger guards.

(b) No Anglo-Indian and European goods guards are stationed and working on branch lines. At present Anglo-Indian and European guards are in the higher grades which are not utilised for branch line working. Owing to the fall in traffic, etc., recruitment according to the current policy has been at a standstill.

(c) Although designated and paid as “goods” guards those working on branch lines are required to work all services on the branch lines. Indian goods guards

are eligible for promotion to the passenger grades. None have yet been promoted because their turn for promotion on seniority has not occurred; promotion generally has been restricted by the fall in traffic and economy measures.

(d) Yes, Indian goods guards have not been promoted to passenger service along with Anglo-Indian and European guards for the reasons given in parts (a) and (c) of the question.

(e) Indian goods guards are allowed to work off and on on passenger services on the main line. They have given satisfaction on such service. They have not been promoted to the passenger service for the reasons already stated in parts (a) and (c) of the question.

Information promised in reply to unstarred question No. 127 asked by Mr. B. B. Varma on the 5th March, 1935.

NON-ADOPTION OF SHORT TIME METHOD OF SPREADING WORK IN STATE RAILWAY WORKSHOPS.

With the exception of the Great Indian Peninsula Railway, State-owned Railways generally adopted short-time working in most of their workshops for varying periods. A statement giving the required information is placed below.

Statement showing the number of skilled, unskilled and semi-skilled labour employed in each of the State-owned Railway Workshops at the end of official year 1934-35.

Name of Railway.	Number of labour employed			Remarks.
	Skilled.	Semi-skilled.	Unskilled.	
South Indian ..	2,994	257	879	
Assam Bengal ..	1,499	..	707	
Great Indian Peninsula	*	*	*	* The classification given in the question is not used. The number of employees of the artisan class and inferior labourers is 6,601 and 2,997 respectively.
Madras and Southern Mahratta.	5,743	1,272	1,572	
North Western ..	6,330†	2,458†	2,273†	† Include 245, 532, 407, skilled, semi-skilled and unskilled temporary labourers respectively.
Bombay, Baroda and Central India.	6,233	2,461	3,462	
Burma ..	1,693	405	822	
Bengal Nagpur ..	3,661‡	2,564‡	3,011	‡ In addition there are 90 men who have not yet been classified as skilled or semi-skilled.
East Indian ..	11,850§	4,604§	4,249	§ Includes 330 Trade apprentices.
Eastern Bengal ..	2,487	3,386	1,621	

Information promised in reply to a supplementary question by Dr. Ziauddin Ahmad to starred question No. 723 asked by Mr. S. Satyamurti on the 7th March, 1935.

PERSONNEL OF THE INDIAN LAC RESEARCH INSTITUTE.

There are standing instructions for the supply to the Library of the Legislative Assembly of all publications issued by the Indian Lac Research Institute and a complete set of the publications issued so far is available in the Library of the House.

Information promised in reply to unstarred question No. 146 asked by Mr. S.K. Hosmani on the 9th March, 1935.

EMPLOYMENT OF A WATCHMAN ON THE SHEDRAH LAKIN ROAD LEVEL CROSSING OF THE MADRAS AND SOUTHERN MAHARATTA RAILWAY.

The Agent, Madras and Southern Maharashtra Railway, reports :

(a) Only one accident occurred at the level crossing referred to during the last two months. This was entirely due to the carelessness of the cart driver in not exercising sufficient caution before crossing the Railway.

(b) There is no permanent watchman at this crossing. It is not proposed to provide one, as the amount of traffic using the crossing does not justify such an appointment.

Information promised in reply to unstarred question No. 149 asked by Mr. V. V. Giri on the 9th March, 1935.

PROMOTIONS OF INDIAN GUARDS ON THE GREAT INDIAN PENINSULA RAILWAY.

The Agent, Great Indian Peninsula Railway, reports :

“(a) No representation has been received in this office at present. The question has been raised in the Railway Staff Council where it is under discussion.

(b) A statement, giving the details of promotion is attached.

(c) Posts of passenger guards on the main line are not being denied to Indians. They are eligible and will undoubtedly be promoted to the grades working the main line, but up to the present, promotion has been slow owing to light traffic and economy measure.

(d) Yes.

(e) The procedure for promotion of present “B” grade guards, if suitable and when vacancies occur is under consideration with the Railway Staff Council on which the staff are represented.”

Summary Statement showing Number and Percentage of Guards by Communities employed on the Great Indian Peninsula Railway

	Europeans.		Anglo-Indians.		Hindus.		Mahomedans.		Indian Christians.		Pariahs.		Other classes.		Total No. of Guards.	
	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%	No.	%		
" A " Grade Passenger Guards ..	53	31.55	114	67.86	..	..	..	..	..	..	..	..	1	0.59	168	..
" A " Grade Goods Guards ..	8	11.11	60	83.33	1	1.39	1	1.39	2	2.78	..	..	..	..	72	..
" B " Grade Goods Guards ..	..	..	1	0.30	139	41.61	82	24.55	79	23.65	27	8.09	6	1.80	334	..
" C " Grade Goods Guards ..	..	..	1	1.45	39	56.52	18	26.09	9	13.04	1	1.45	1	1.45	69	..
Branch Line Guards ..	..	..	..	..	15	55.56	8	29.63	4	14.81	..	..	..	..	27	..
Pilot Guards ..	..	..	..	..	6	46.16	6	46.16	1	7.68	..	..	..	..	13	..
" C " Grade Multiple Unit Service Guards ..	..	..	1	1.61	41	66.13	12	19.36	8	12.90	..	..	..	..	62	..

Information promised in reply to unstarred question No. 159 asked by Mr. B. B. Varma on the 9th March, 1935.

POSTING OF ASSISTANT SURGEONS TO HOSPITALS ON THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports :

(a) Three hospitals with 10 beds in each and 23 dispensaries with emergency beds ranging from 2 to 7 beds in each.

(b) No. With one exception the Sub-Assistant Surgeons on the East Indian Railway are qualified to practice medicine, surgery and midwifery under the various Medical Acts of the Legislature in force in this country and, therefore, are fully qualified to perform major operations.

(c) This is not necessary as no disability is suffered by employees owing to the absence of Assistant Surgeons in certain railway hospitals.

Information promised in reply to unstarred question No. 198 asked by Mr. B. B. Varma on the 9th March, 1935.

TREATMENT OF INDIAN STAFF IN THE EAST INDIAN RAILWAY HOSPITAL AT TUNDLA.

The Agent, East Indian Railway, reports :

(a) Three.

(b) No.

(c) No.

(d) The number of Indian Maternity cases treated during the last three years is 30 with 1 mortality. The number of non-Indian Maternity cases treated during the last three years is 35 with no mortality.

(e) It is not known, whether the services of a private doctor are available in or about Tundla. There is no Assistant Surgeon posted at the Railway Hospital. It is not a fact that Indian patients do not obtain adequate medical assistance in serious cases at the Railway hospital.

(f) No. The District Medical Officer attends to all patients without racial discrimination. No separate records of Indians and non-Indians are kept in the out-Patient's Department.

During the last 3 years 124 non-Indians and 1,370 Indians were treated as indoor patients. The District Medical Officer is responsible to the Railway administration for all these patients.

(g) No fee is charged for accommodation and treatment. In addition employees drawing a salary up to Rs. 30 per month get free diet at the Hospital.

Information promised in reply to parts (a) to (c) of unstarred question No. 160 asked by Mr. B. B. Varma on the 9th March, 1935.

STAFF CLASSIFIED AS INTERMITTENT ON THE EAST INDIAN RAILWAY.

(a) No.

(c) The Agent, East Indian Railway, reports as follows :

Division	Total number of intermittent workers.	Number of intermittent workers housed in Railway quarters near their places of work.
Howrah	2,748	1,699
Asansol	2,549	1,578
Dinapore	1,870	1,140
Allahabad	2,098	1,329
Lucknow	1,536	1,337
Moradabad	2,391	1,457

(c) The Hours of Employment Regulations do not provide rest days for intermittent workers.

Information promised in reply to unstarred questions Nos. 161, 169, 171, 172, 173, 177, 182 and 197 asked by Mr. B. B. Varma on the 9th March, 1935.

WORKING HOURS OF STATION MASTERS ON CERTAIN STATIONS ON THE EAST INDIAN RAILWAY.

161. No. The Agent, East Indian Railway, reports that :

- (i) the duty hours of the station masters of Zamania, Chausa, Saiyadraja, Karmnasa, Majhwar, Twining Ganj and Sakaldiha are 58½ a week ;
- (ii) the duty hours of the station master, Fatehpur, are 56 a week and that
- (iii) the duty hours of the station master at Chandausi do not normally exceed 60 a week.

NON-SUPPLY OF WINTER UNIFORMS TO TRAVELLING TICKET EXAMINERS AND INSPECTORS IN THE HOWRAH DIVISION.

169. (a) Government understand winter uniforms have not been supplied to the staff referred to employed on the three Lower Divisions, viz., Howrah, Dinapur and Asansol Divisions.

(b) The Agent, East Indian Railway, reports that during 1933-34 it was decided, as a measure of economy, to curtail the supply of winter uniforms to certain categories of staff on the three Lower Divisions by extending the period of use from one year to two years. It has since been decided from the coming winter of 1935-36 again to supply winter uniforms annually.

PROMOTION OF ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

171 The Agent, East Indian Railway reports that Grade II of guards is not regarded as a normal channel of promotion for Assistant Station Masters as the scales of pay for these classes of employees are more or less similar.

There have been cases in which Assistant Station Masters have been transferred to the guards' grade but these are exceptions.

FILLING UP OF RELIEVING VACANCIES ON THE EAST INDIAN RAILWAY.

172. The Agent, East Indian Railway, reports :

Relieving vacancies of controllers are filled by relieving guards or Senior Assistant Station Masters according as the duration of the vacancy justifies transfers of permanent staff or not.

Relieving vacancies of platform Assistants are normally filled by relieving guards.

UNIFORMS SUPPLIED TO INDIAN ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

173. The Agent, East Indian Railway, reports that full uniforms are provided for certain grades of Assistant Station Masters while for other less important grades only jackets are provided.

REST AVAILABLE TO THE TICKET CHECKING STAFF AT GAYA, PATNA AND DINAPORE.

177. The Agent, East Indian Railway, reports that the average periods of inaction of ticket checking staff at Gaya, Patna Junction and Dinapore who are classed as intermittent under the Hours of Employment Regulations and whose duty hours are 12 a day, are 6½, 7½ and 7¼ hours respectively.

SENIORITY LISTS OF ASSISTANT STATION MASTERS ON THE NORTH WESTERN RAILWAY.

182. (a) The Agent, North Western Railway, reports that seniority of subordinates in a grade or class on the North Western Railway, is reckoned from the date, each employee is confirmed in the Grade or Class.

(b) This is considered unnecessary.

It may, however, be added for the information of the Honourable Member that on the State-managed Railways seniority lists of subordinate staff on scales of pay rising to more than Rs. 250 a month are published though it is not distributed to staff and that seniority lists in manuscript form for all grades and categories of subordinate staff are maintained and the staff concerned have no difficulty in obtaining access to them.

EAST INDIAN RAILWAY UNION AT DINAPORE.

197. (a) and (b). Yes.

(c) Government understand that the union has not been recognised by the Agent, East Indian Railway.

Information promised in reply to parts (b) and (f) of unstarred question No. 205 asked by Lieutenant-Colonel Sir Henry Gidney on the 9th March, 1935.

OPTION TO ELECT NEW LEAVE RULES TO THE STAFF ON THE NORTH WESTERN RAILWAY.

205. (b) and (f). The staff appointed on the North Western Railway between the 1st April, 1927 and the 22nd August, 1927 (both dates inclusive) have since been given the option either to come under the New State Railway Leave Rules or to continue to be governed by the old leave Rules.

Government see no reason to give any option to the staff appointed on or after the 23rd August, 1927, as they were made aware before their appointment that they would come under the New State Railway Leave Rules, when introduced.

Information promised in reply to unstarred question No. 209 asked by Mr. N. M. Joshi on the 9th March, 1935.

FILLING UP OF THE POSTS OF TRANSPORTATION INSPECTORS AND TRAIN CONTROLLERS ON THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports :

“(a) 16 and 31 posts of Transportation Inspectors and Train Controllers, respectively, were filled permanently during the last two years.

(b) The cases of staff who, officiated as Transportation Inspector were considered when filling up vacancies. No Transportation Inspectors were demoted to lower grades on account of economy during the last two years.

Two Section Controllers who were demoted on account of economy did not wish to be restored to their original posts.”

Information promised in reply to the supplementary question asked by Mr. N. C. Bardoloi in connection with starred question No. 797 by Mr. Basanta Kumar Das on the 11th March, 1935.

REPORT OF THE ASSAM FLOOD ENQUIRY COMMITTEE.

The provision of waterways on the Section between Chaparmukh and Silghat Stations is as given below :

Bridge.	Mile	Old Bridge.	New Bridge.	Lft increase.	Old Channel area.	New Channel area.	Approximate increase on old Channel.
..	424 C.S.	3'	30	27	10	253	2,330%
Kamarajan ..	425½ C.S.	5×20	5×20 2×30	60	10,20	2,200	118%
Ranthali ..	426-71 C.S.	5×20	4×40	60	1,027	2,250	119%
Dimau ..	431-47 C.S.	3×20	2×30 1×20	20	400	800	100%

The reason for the enlargement of these waterways is a change in the course of the Jamuna river at Jamunamukh some 18 miles away ; there always have been waterways between Chaparmukh and Silghat which in the past had been sufficient

Information promised in reply to starred questions Nos. 822 to 825 asked by Bhai Parma Nand on the 11th March, 1935.

DUTIES OF NUMBER-TAKERS ON THE NORTH WESTERN RAILWAY.

822. The Agent, North Western Railway, reports :

(a) and (b). The duties of Number Takers employed on the North Western Railway are not similar to those performed by the Assistant Train Examiners on the East Indian Railway. A comparative statement showing the duties of the two is attached

(c) All the Number Takers are literate, but only a few of them are Matriculates.

(d) On the East Indian Railway Assistant Train Examiners who successfully pass prescribed tests and examinations at the Training School and possess the

requisite standard of qualifications are eligible for promotion to the grade of Train Examiner according to the vacancies available. As Number Takers on the North Western Railway receive no technical training either before or after entering service they cannot be considered for promotion to the post of Train Examiners.

Comparative statement showing the duties of Number Takers employed on the North Western Railway and those performed by the Assistant Train Examiners on the East Indian Railway.

Duties of Number Takers employed on the North Western Railway.	Duties of Assistant Train Examiners employed on the East Indian Railway.
<ol style="list-style-type: none"> 1. Notes numbers of vehicles of all trains on arrival and departure. 2. Assistant Train Examiners in maintaining records such as Vacuum Brakes Registers and Vacuum Repair Registers. 3. Assistant Train Examiners in clerical work. 	<p>Assistant Train Examiners who are in independent charge are personally responsible for detecting, on all vehicles examined by them, any defects which might cause an accident or which render a vehicle unfit to carry safely a load of goods or passengers. Other staff allotted to the Assistant Train Examiners do not in any way relieve Assistant Train Examiners of this responsibility.</p> <p>Assistant Train Examiners when posted to work under Train Examiners, assist in the examination of trains but do not in any way relieve the Train Examiner of his responsibility for examination in general.</p>

TRAIN EXAMINERS ON THE NORTH WESTERN RAILWAY.

823. (a) Yes, but steps are being taken to improve their standard of efficiency by means of Refresher Courses at the Walton Training School

(b) Out of the total number of 270 Train Examiners employed at present on this Railway, there are 41 Train Examiners who were initially recruited as Number Takers. These men were, in the first instance, transferred as Apprentice Train Examiners and were promoted to Train Examiners on their completion of a training course in the Mechanical Workshops. This method became less and less successful as the technical qualifications of Train Examiners increased under modern conditions.

(c) Train Examiners on this Railway are literate employees, though a good many of them are non-Matriculates, having been recruited when more highly qualified men were not available.

(d) The recruitment of Train Examiners is now made in accordance with the Rules for "The recruitment and training of Apprentice Mechanics and Trade Apprentices in the Mechanical Workshops of State Managed Railways." Number Takers as a class, having insufficient education would be unable to cope with the competitive examination which the present prospective Train Examiner has to pass before entering the Madagan Engineering College, Lahore, where with practical training in Shops he undergoes a five years' course before appointment as Train Examiner. Apart from this, the prospective Train Examiner has to enter the College before attaining the age of 19, which is another reason why Number Takers cannot qualify for the posts of Train Examiners

NUMBER TAKERS ON THE NORTH WESTERN RAILWAY.

824. (a) No. In the case of three stations on the Lahore Division this was done till recently but the practice has been discontinued

(b) and (c). No.

(d) Reply to the first part is in the negative and to the second part in the affirmative.

(e) This is not the case. There are relieving Train Examiners.

(f) and (g). Do not arise.

(h) The Honourable Member's attention is invited to the reply given to part (d) of his question No. 823.

ELECTRICIANS ON THE NORTH WESTERN RAILWAY.

825. As regards the first part, a technical test is imposed, part of which must be written in English. Number Takers are not technical staff whereas Electric Examiners are so. As regards the second part, attention is invited to the reply given to part (d) of question No. 823.

Information promised in reply to parts (e) to (g) of starred question No. 828 asked by Mr. A. V. Gadgil on the 11th March, 1935.

RE-EMPLOYMENT OF THE GREAT INDIAN PENINSULA RAILWAY STRIKERS.

(e) Government do not propose to interfere with the discretion of the Agent in the matter.

(f) Government understand that an article in Marathi appeared in the *Independent Railwayman* in April, 1932, giving the names of 12 persons in the employment of the Great Indian Peninsula Railway alleged to have been sentenced to various punishments but it did not include particulars of the alleged offences. It cannot be inferred from the particulars furnished that all or any of the persons named had been guilty of offences such as murder, theft, safe breaking, etc. Government are informed that the Agent, Great Indian Peninsula Railway, has not knowingly employed any persons who have been convicted of such offences.

(g) Does not arise.

Information promised in reply to starred question No. 840 asked by Mr. Amarendra Nath Chattopadhyay on the 12th March, 1935.

HOUSE RENT ALLOWANCE OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

840 The Agent, East Indian Railway, reports

“(a) and (b). Under the new rent rules introduced in 1932 free quarters or house allowance in lieu is not admissible except to those individual employees who at any time in the course of their previous service held in a substantive capacity a post which carried the privilege of rent free quarters or house rent allowance in lieu of free quarters, and who in the course of their subsequent service from the date of the introduction of the revised rent rules hold (in an officiating or substantive capacity) posts which carried this concession prior to that date

Under the old East Indian Railway Company's rules ticket checking staff were eligible for the privilege of free quarters or house allowance in lieu and accordingly those who held posts in this category substantively are still allowed the same privilege

Ticket checking staff of the old Oudh and Rohilkhand Railway who were entitled to free quarters, when available, under old Oudh and Rohilkhand Railway Rules applicable to them are also still allowed this privilege but when quarters are not available for them they are eligible for house rent allowance in lieu

It will thus be seen that the privilege of rent free quarters or house rent allowance has not been withdrawn as a measure of economy”

Information promised in reply to starred question No. 856 asked by Mr. Muhammad Azhar Ali on the 12th March, 1935.

METHOD FOR THE REDRESS OF GRIEVANCES OF THE RAILWAY STAFF.

856. (a) Yes

(b) I would refer the Honourable Member to the "Rules regulating the discharge and dismissal of State Railway non-gazetted Government servants", a copy of which will be found in the Library. The aggrieved staff can under rule 11 of the rules referred to above appeal to the authority next above the officer passing the order. In this case the order was passed by the Staff Superintendent and the appeal lay to the Divisional Superintendent.

Information promised in reply to parts (d), (e), (f) and (g) of starred question No. 866 asked by Mr. Muhammad Azhar Ali on the 12th March, 1935.

MILEAGE ALLOWANCE PAID TO THE OLD TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

The Agent, North Western Railway, reports :

(d) and (f) No. Mr. Bishen Singh's pay as Travelling Ticket Examiner on the Kalka-Simla Railway was Rs 75 per mensem, in the scale of Rs 55—5—105—10—155 at the time of his temporary transfer on the 29th August, 1926, to the Delhi Division to work as a Special Ticket Examiner (Batch-in-Charge of a Flying Squad). In consideration of the importance of the duties and the increased responsibilities attached to the post of a Batch-in-Charge, he was temporarily given Rs 140 in the scale 105—5—140 and also daily allowance admissible under the rules. He was given the same pay later on when he officiated again for the same reason.

(e) On reversion as a Travelling Ticket Examiner he was given Rs 90 per mensem in his substantive post on the scale of Rs. 55—5—105—10—155.

(g) No—because the special considerations in this case did not apply. Mr. Bishen Singh was not given 140 because it was 75 per cent in excess of his old pay, but because it was considered that in view of his experience the maximum pay of the grade was justified.

Information promised in reply to parts (c) and (e) of question No. 871 asked by Pandit Sri Krishna Dutta Palival on the 12th March, 1935.

ALLEGATIONS AGAINST SOME RAILWAY OFFICIALS AT TUNDLA.

(c) and (e) Government are informed by the Agent, East Indian Railway, that so far as he is aware no Deputy Controller ran any raffles or lotteries nor was Mr. Marcon in any way connected therewith. Government are, however, informed that licences Nos. 1337 and 1338 were registered in the name of the wife of a Deputy Controller and another person from the 25th March, 1933 to the 2nd August, 1933. The Deputy Controller in question has been suitably dealt with for indirectly engaging in trade in the name of his wife during the period referred to above, and the Agent, East Indian Railway, has issued a circular making it clear to the staff that the running of a business in the name of the wife of a railway servant amounts to the railway servant engaging indirectly in trade or business, which is prohibited under the Government Servants' Conduct Rules.

Information promised in reply to starred question No. 877 asked by Pandit Sri Krishna Dutta Palival on the 12th March, 1935.

PROVISION OF AN ASSISTANT SURGEON IN THE RAILWAY HOSPITAL AT TUNDLA.

The Agent, East Indian Railway, reports :

(a) Yes

(b) It is not known whether there is a Civil Assistant Surgeon in the town. The District Medical Officer, East Indian Railway at Tundla, has five sub-districts which he is required to visit once a month and he can always return to headquarters within 12 hours.

He, and not the Sub-Assistant Surgeon, is in charge of the work in the Hospital at his headquarters. His position is that of a Civil Surgeon in a Sadar Hospital and his medical personnel is comparable with that of a Civil Surgeon at such a station.

(c) There is no need for an Assistant Surgeon at Tundla as a District Medical Officer is stationed there.

Information promised in reply to starred questions Nos 880 and 885 asked by Lieut.-Colonel Sir Henry Gidney on the 12th March, 1935.

RATES OF PAY AND OTHER PRIVILEGES OF CERTAIN APPRENTICES OF STATE RAILWAYS.

880. The Agent, East Indian Railway, reports :

(a) Yes.

(b) and (c). Yes, the apprentices in question were brought under the revised scales of pay pending a decision by Government as to whether the old or the revised scales of pay were admissible to them.

They have since been granted the old scales of pay.

(d) Does not arise

SENIORITY OF SUBORDINATES OFFICIATING IN THE TRANSPORTATION INSPECTOR'S GRADE ON THE EAST INDIAN RAILWAY.

885. The reply given to the question referred to by the Honourable Member was based on the practice followed in determining seniority in such cases. The exact date of the commencement of the practice is not traceable. I would, however add that the posts of transportation inspectors are selection posts

Information promised in reply to starred question No. 942 asked by Mr. Amarendra Nath Chattopadhyaya on the 21st March, 1935.

CASE OF MR. K. C. DAS, AN ASSISTANT STATION MASTER AT NAIHATI, EASTERN BENGAL RAILWAY.

(a) Yes. I would, however, add the orders contained in the Notification referred to have since been modified. A copy of the revised instructions is placed below.

(b) The Agent, East Indian Railway, reports that Assistant Station Master K. C. Das of Nalhati (not Naihati) failed for the second time in February, 1934, in the examination for Transportation and Commercial duties. He is at present working as a Number Taker at Jamalpur, and the Divisional Superintendent is endeavouring to find work for him as a signaller. This, of course, is conditional on Mr. Das passing the 20 word signalling test. Mr. Das has been instructed to advise the Divisional Superintendent when he wishes to appear for the test.

(c) No. The question of having a uniform procedure on all State-managed Railways for dealing with staff who fail to qualify at the Refresher Courses is under consideration

Paragraph 632 of East Indian Railway Gazette, dated 3rd October, 1934.

632. *Railway School of Transportation, Chandausi*—In modification of the orders contained in Gazette Notification No 30 of East Indian Railway Gazette No. 2 of 24th January, 1934, it is notified that the penalties for failing in the examination will not be applied automatically but at the discretion of the Divisional Superintendent. Staff retained at the School under paragraph 3 (b) of the Notification will not be required to pay their own messing.

If a man is reported to have failed in any subject, it will rest entirely with the Divisional Superintendent whether he should be allowed to continue in his post or not, and whether his increment should be affected.

A special report on those who fail will be submitted by the School Superintendent to the Divisional Superintendent.

Information promised in reply to starred question No. 966 asked by Pandit Govind Ballabh Pant on the 25th March, 1935.

handsari SUGAR WORKS IN THE ROHILKUND DIVISION SUBJECTED TO EXCISE DUTY.

(a) 147

(b) and (c). A statement is attached.

STATEMENT.

Name of factory	Place.	Number of workers.	Nature of power.	Officers who inspected the factory before the imposition of the duty.
BAREILLY.				
1. Brij Kishore ..	Alamgiri-ganj.	The exact numbers are not known but each of these factories was reported to have employed more than 20 men in the season of 1933-34.	Electric ..	District Sugar Officer.
2. Shiyama Charan ..	Nai Basti		Do.	Do.
3. Muklada Ali Khan ..	Gher Zafar Khan.		Do.	Do.
4. Ramman Lal Ras Behari Lal.	Masitganj		Do.	Do.
5. Laloo Mal Suraj Bhan	Alamgiri-ganj.		Do.	Do.
6. Pooran Chand Kapoor Chand.	Shahdana		Do.	Do.
7. Ram Kumar Krishna Kumar.	Jatavpura		Do.	Do.
8. Seth Banwari Lal Purshottam Das.	Shahdana		Do.	Do.
9. Govind Ram Umrao Singh.	Siklapur ..		Do.	Do.
10. Baboo Ram Radhey Shyam.	Masitganj		Do.	Do.
11. Ram Ratan Lal Lachmi Narain.	Choki Math		Do.	Do.
12. Banwari Lal Shanti Prasad.	Alamgiri-ganj.		Do.	Do.

Name of factory.	Place.	Number of workers.	Nature of power.	Officers who inspected the factory before the imposition of the duty.
		BAREILLY— <i>contd</i>		
13. Bhavat Narain Tandon	Nai Basti		Electric ..	District Sugar Office.
14. Ahmad Ali Khan ..	Jatavpura		Do.	Do.
15. Niranjan Singh Umrao Singh.	Lakhanganj		Do.	Do.
16. Chander Sen	Shahamat-ganj.		Do.	Do.
17. Rahim Bux Aijaz Ahmad.	Saidpuria		Do.	Do.
18. Radhey Lal Saraf ..	Alamgriganj		Do.	Do.
19. Ram Narain Tandan .	Beharipur		Do.	Do.
20. Chabbi Mal Ram Lal ..	Madari Darwaza.		Do.	Do.
21. Shiam Sundar Lal Ram Das.	Gangapur		Do.	Do.
22. Murli Manohar ..	Alamginganj		Do.	Do.
23. Faiyaz Husain Khan ..	Do.		Do.	Do.
24. Shiam Behari Lal Shanti Kumar.	Do.		Do.	Do.
25. Pt. Shiam Behari Lal ..	Tah. Nawab-ganj.		Either oil engine or steam engine Electric.	Do.
26. Raghu Nandan Pd. ..	Alamgiri-ganj.		Do.	Do.
27. Ram Das Harnam Das	Sufi Tola		Do.	Do.
28. Sita Ram Badri Rakhan	Phuta Darwaza.		Do.	Do.

NOTE.—Twenty-eight other factories had previously been assessed but had closed down before the 31st of January 1935.

Name of factory.	Place.	Number of workers.	Nature of power.	Officers who inspected the factory before the imposition of the duty.
Bijnor.				
1. Pandit Alakh Prasad ..	Mandawar	*	Electric ..	Tahsil staff.
2. L. Badri Prasad ..	Chandpur	29	Do. ..	Do.
3. L. Ram Chandra Mal ..	Bijnor ..	*	Do. ..	Do.
4. L. Lachman Dass ..	Nehtor ..	25	Do. ..	Do.
5. Abdul Qaiyum ..	Nagina ..	30	Do. ..	Do.
6. H. Mohd. Ibrahim ..	Do. ..	32	Do. ..	Do.
7. Mohammad Ismail ..	Do. ..	21	Do. ..	Do.
8. Mohammad Afaq ..	Do. ..	*	Do. ..	Do.
9. Mohammad Ishaq ..	Do. .	*	Do. ..	Do.
10. L. Kashi Nath ..	Kiratpur	21	Do. ..	Do.
11. Mohammad Ismail ..	Do. ..	*	Do. ..	Do.

* Exact number not known, but each of these factories was reported by the tahsil staff to have employed more than 20 men.

MORADABAD.

1. S. Brij Pal Saran ..	Dhoeti ..	21	Oil engine	Tahsildar, Hasanpur.
2. Kalyan Das ..	Kundarki	Over 20 ..	Electric ..	Tahsildar, Bilari.

NOTE.—Two other factories were assessed but were subsequently exempted.

SHAHJAHANPUR.

1. Shanti sugar works ..	Jeshanpur	50	Oil engine	Tahsildar.
2. L. Sri Ram, s/o Angney Lal.	Bahadurgung.	37	Electric ..	District Officer. Sugar
3. L. Autarilal, s/o Mathura Prasad.	Taliaghuran	25	Do. ..	Do.
4. L. Radhey Lal Horilal	Do.	25	Do. ..	Do.
5. L. Janki Prasad ..	Chauksi ..	25	Do. ..	Do.
6. L. Kesarilal, s/o Jhoo Lal.	Bahadurgunj.	25	Do. ..	Do.

Name of factory.	Place.	Number of workers.	Nature of power.	Officers who inspected the factory before the imposition of the duty.
SHAHJAHANPUR—contd				
7. Mohd. Hazabbarali Khan	Khalilshaq	25	Electric ..	District Sugar Officer.
8. L. Maya Ram Arthi ..	Rangmahla	25	Do. ..	Do.
9. L. Bankeylal .	Katra Kham	25	Do. ..	Do.
10. L. Damodar Das .	Do.	37	Do. ..	Do.
11. Mohd. Yiah Khan .	Tarin Tikh	25	Do. ..	Do.
12. Moh. Yasnuddin Khan	Katra Kham	25	Do. ..	Do.
13. Ved Vrat Halwai ..	Bahadur-gunj.	25	Do. ..	Do.
14. L. Madho Ram, s/o Ram Kishan.	Do.	37	Do. ..	Do.
15. L. Sahq Ram ..	Mahadeo	36	Oil engine	Do.
16. L. Rup Kishore ..	Patai ..	25	Do. ..	Do.
17. L. Bajrang Das ..	Kastak ..	28	Do. ..	Tahsildar.
18. Mohd. Latafatali Khan	Ullha ..	27	Do. ..	Do.
19. L. Sita Ram, Ram Sarup	Tilhat ..	25	Do. ..	Do.
20. Shri Mahadeo Sugar and Flour Mills.	Nawadia Lachhan.	100	Steam engine.	District Sugar Officer.
21. L. Hira Lal	Mundia Pamar.	50	Oil engine	Do.
22. L. Gokal Prasad, Gaya Prasad.	Do. ..	50	Do. ..	Do.
23. L. Khunnu Lal Sunar ..	Nihal ..	23	Do. ..	Do.
24. L. Brij Bhukan Lal ..	Khudaganj	24	Do. ..	Tahsildar.
25. L. Mahadeo Prasad ..	Do. ..	24	Do. ..	Do.
26. L. Munna Lal Raj Kishan	Tilhar ..	24	Do. ..	Do.
27. M. Lal Bahadur ..	Posil ..	26	Do. ..	Do.
28. L. Badri Prasad Bajnath	Tilhar ..	30	Do. ..	Do.
29. L. Radhey Shiam ..	Talia Ghuran.	25	Electric ..	District Sugar Officer.
30. Mohd. Ahmad Hussain	Mundia Chhoan.	35	Oil engine	Do.

Name of factory.	Place.	Number of workers.	Nature of power.	Officers who inspected the factory before the imposition of the duty.
SHAHJAHANPUR—concl'd.				
31. L. Jaganath Prasad Jwala Prasad.	Dilawarganj	25	Electric ..	District Officer. Sugar
32. L. Raghunandan Prasad	Do. ..	25	Do. ..	Do.
33. L. Sukhbasi Lal ..	Bazaria Lalateli.	26	Do. ..	Do.
34. L. Ram Das, Hiralal ..	Bahadur- ganj.	25	Do. ..	Do.
35. Pt. Umrao Lal ..	Dilazak ..	25	Do. ..	Do.
36. Pt. Debi Charan Chaubey	Bahadur- ganj.	28	Do. ..	Do.
37. L. Har Prasad Kurmi..	Mohruddin- pur.	25	Oil engine	Do.
38. L. Badri Dat ..	Bahadur- ganj.	25	Electric ..	Do.
39. L. Sita Ram, s/o Radha Kishan.	Masjidganj	25	Do. ..	Do.
40. L. Shanker Lal, s/o Inder Lal.	Aman Zai	25	Do. .	Do.
41. L. Ganga Ram Kapur ..	Baksaryao	25	Do. ..	Do.
42. M. Sifat Ullah Khan, s/o Fahasat Ullah Khan.	Aman Zai	25	Do. ..	Do.
43. Prem Sugar Works ..	Baragaon	40	Steam en- gine	Do.
44. L. Sri Ram, Lakshmi Chand.	Khudaganj	27	Oil engine	Sugar Officer. Excise

PILIBHIT.

1. M. Mohd. Jilani ..	Lahoregunj	20	Steam en- gine.	Tahsildar.
2. L. Johri Mal ..	Pilibhit ..	33	Do. ..	Do.
3. L. Ram Sanchi Mal ..	Do ..	28	Oil engine	Do.
4. M. Mangal Khan ..	Do. ..	20	Do. ..	Do.
5. L. Sita Ram ..	Do. ..	22	Do. ..	Do.
6. L. Ram Kunor, Raj Kunor.	Do. ..	27	Do. ..	Do.

Name of factory.	Place.	Number of workers.	Nature of power.	Officers who inspected the factory before the imposition of the duty.
PILIBHIT— <i>contd.</i>				
7. L. Ram Gopal ..	Pilibhit ..	22	Oil engine	Tahsildar.
8. L. Lachhmi Narain ..	Do. ..	20	Do. ..	Do.
9. L. Ghasi Ram, Bhikari Dass.	Do. ..	20	Do. ..	Do.
10. L. Gopi Nath ..	Do. ..	23	Do. ..	Do.
11. L. Ram Chander Lal, Radhey Shyam.	Do. ..	25	Do. ..	Do.
12. L. Sheo Raj Singh ..	Do. ..	25	Do. ..	Do.
13. L. Sunder Lal Gupta ..	Do. ..	20 ..	Steam engine.	Do.
14. L. Sant Lal ..	Do. ..	28	Do. ..	Do.
15. L. Mangni Ram ..	Do. ..	20	Oil engine	Do.
16. Dr Amolak Chand ..	Do. ..	23	Do. ..	Do.
17. Sh Hamid Husam ..	Do. ..	21	Do. ..	Do.
18. L. Ram Dass ..	Do. ..	20	Do. ..	Do.
19. L. Ram Kunor ..	Do. ..	20	Steam engine.	Do.
20. Sahu Ram Ballabh Saran	Bisalpur ..	24	Do. ..	District Excise Officer.
21. L. Kadher Mal ..	Ghuri Patti	20	Oil engine	Tahsildar.
22. L. Naram Dass ..	Richola	25	Do. ..	Do.
23. L. Surender Nath ..	Ghasi. Amirta ..	30	Steam engine.	Do.
24. L. Sri Ram Gupta ..	Puranpur	20	Oil engine	Do.
25. M. Khursheed Hasan Khan.	Do. ..	20	Do.	Do.
26. Devji Ravi Dass ..	Do. ..	20	Do. ..	Do.
27. Sadar Bhagga Singh ..	Kalinager	21	Do. ..	Do.
28. Ch. Munna Singh ..	Madho	23	Do. ..	Do.
29. L. Sukh Lal ..	Tanda. Puranpur	20	Do. ..	Do.
30. L. Laiq Ram ..	Dharmanpur.	26	Do. ..	Do.
31. Kr. Gopal Singh ..	Madho	22	Do. ..	Do.
32. L. Tika Ram ..	Tanda. Bilsanda	Information not available.		Do.

Information promised in reply to starred question No. 979 asked by Mr. A. K. Fuzlul Huq on the 25th March, 1935.

COMMUNAL COMPOSITION OF TECHNICAL AND NON-TECHNICAL MEN EMPLOYED
IN THE CENTRAL PUBLIC WORKS DEPARTMENT.

(a) Government have no information, but most of the retrenched staff who have shown any desire to obtain re-employment in the Central Public Works Department have now been provided for in temporary vacancies. This excludes persons who are overage or inefficient.

(b) I presume that the Honourable Member refers to non-gazetted staff. A statement giving the information asked for is placed below.

Statement showing technical and non-technical appointments made in the Central Public Works Department since the last retrenchment.

No. of appointments made.					No. of retrenched hands re-employed.				
Class of post	Hindus.	Muslims.	Other communities.	Total.	Class of post	Hindus.	Muslims	Other communities.	Total.
1	2	3	4	5	6	7	8	9	10
Subordinates and Surveyors.	20	8	7	35	Subordinates and Surveyors.	3	1	1	5
Draftsmen ..	5	6	3	14	Draftsmen ..	5	6	1	12
Clerks ..	34	14	9	57	Clerks ..	15	6	4	25

NOTE.—This statement excludes (a) all appointments made for a period of less than three months, and (b) all appointments which had terminated before the 27th March, 1935, the date on which the statement was prepared.

Information promised in reply to starred question No. 983 asked by Mr. C. N. Muthuranga Mudaliar on the 25th March, 1935.

PUBLICITY OFFICERS WORKING ON STATE RAILWAYS.

(a) and (b). Two statements giving the required information are attached.

STATEMENT No 1.

Statement showing the names of the various Publicity Officers working on the State Railways, and the monthly salary of each and the work they were doing before being appointed as such

Name of Railway.	Name of Publicity Officer.	Salary per mensem.	Appointment held before his employment as Publicity Officer.	Remarks.
East Indian Railway.	Mr. A. Gumbrell.	Rs. 1,250 plus £30 S. O. P.	He was employed with Messrs. A. H. Wheeler & Co., as their Manager at Calcutta.	He was specially selected to fill the post of Publicity Officer, East Indian Railway, from the 15th March 1927.
Great Indian Peninsula Railway.	Mr. J. H. Carpenter.	1,300 plus £30 S. O. P.	He was Secretary to the Agent, Great Indian Peninsula Railway.	
Burma Railways.	..	..	..	No Publicity Officer is employed on this Railway.
Eastern Bengal Railway.	..	..	..	There is no officer exclusively employed on Publicity work on this Railway at present. The post of Publicity Officer has been held in abeyance since 1st September 1931.
North Western Railway.	..	..	..	There is no separate post of Publicity Officer on this Railway at present. The work in connection with Publicity is being done by Mr. C. D. Jordon, Sales Manager, as part of the work of the Sales Branch, which is at present on a temporary basis. Mr. Jordon is in receipt of Rs. 1,050 per mensem in the senior scale of the Transportation (Traffic) and Commercial Branch. He was employed as P. A. to the Chief Commercial Manager immediately prior to his posting as Sales Manager.

STATEMENT No. 2.

Statement showing the dates from which the various Publicity Officers were started and the number of Indians who have held the posts till now and the periods during which they held these posts.

Name of Railway.	Date of starting of Publicity Office.	Indians who have so far held the posts.		Remarks.
		Name.	Period during which the post was held.	
East Indian Railway.	27-1-27	..	..	No Indian Officer has held the post of Publicity Officer on the East Indian Railway.
Great Indian Peninsula Railway	April 1920	Mr. Pothan Joseph.	16-4-1928 to 15-11-1928.	As Publicity Officer.
			16-11-1928 to 31-2-1931.	As Assistant Publicity Officer.
Burma Railways.	.	..	.	No Publicity Officer is employed on this Railway.
Eastern Bengal Railway	15-11-1926	Mr. A. K. Gupta.	15-11-1926 to 25-11-1928.	
North Western Railway.	22-11-1926	Khan Sahib Z. H. Khan.	22-11-1926 to 24-2-1931.	The post was kept vacant from 25th February 1931 to 15th March 1931 and again from 24th April 1931 to 31st January 1932 and was finally abolished on account of the reduction in the Gazetted Officers cadre from 1st February 1932.

Information promised in reply to starred question No. 992 asked by Mr. Lalchand Navalrai on the 25th March, 1935.

VACANCIES IN THE COMMERCIAL GROUP ON THE NORTH WESTERN RAILWAY.

(a) Yes.

(b) Yes.

(c) The Agent reports that in view of the very few applications received from minority communities in the Karachi Division, it was necessary to restrict the numbers which came up from that Division in order to give effect to the orders of Government regarding communal proportion in recruitment.

(d) The answer to the first part of the question is in the negative. Between May and December, 1934, the Divisional Superintendent reported 19 vacancies of Booking Clerks and seven vacancies of Commercial Clerks, which were all filled by old Commercial and Station Master Group Students who were discharged in 1931.

(e) No, except in so far as retrenched men, who were formerly employed on one Division may, on re-appointment, have been sent to other Divisions.

(f) The compilation of these statistics will involve a great deal of labour which Government do not consider likely to be justified by results.

(g) Yes, but certain categories of staff, including Commercial Group students, are finally recruited by Central Selection Boards for employment on the Railway as a whole.

(h) No. Government do not consider that the Karachi Division has been unfairly treated.

Information promised in reply to starred question No. 1003 asked by Pandit Nilakanta Das on the 26th March, 1935.

TECHNICALLY QUALIFIED MEN EMPLOYED IN AIRCRAFT AND AVIATION IN INDIA.

(a) (i). The number of military technical personnel employed is 1,534.

(ii) The number of civil technical employees in the civil aviation Directorate, flying clubs and air transport companies is 260. This figure includes unlicensed as well as licensed technical personnel.

(b) (i). The number of military technical personnel includes 1,245 British and 289 Indians.

(ii) Of the 260 civil employees, 108 are British, 147 Indians and 5 other nationalities.

Information promised in reply to starred questions Nos. 1014 and 1015 asked by Mr. Amarendra Nath Chattopadhyaya on the 26th March, 1935.

APPOINTMENTS OF THE TIME-EXPIRED APPRENTICES OF LILLOOAH WORKSHOPS UNDER THE CHIEF MECHANICAL ENGINEER, EAST INDIAN RAILWAY.

1014. The Agent, East Indian Railway, reports :

“(a) Appointments of *ex*-apprentices have not been made because primary consideration had to be given to *ex*-mechanics who were retrenched in 1931 and borne on the waiting list and vacancies occurring have been very few as until recently the workshop staff at Lillooah has been steadily reduced.

Though the Technical School results are given due consideration, the practical qualifications have to be taken into account and the apprentices' ability to control labour has also to be considered.

Since 1933, three Indian *ex*-apprentices have been taken on, one specially trained for Heat Treatment and two quite recently, for increased work in the Wagon Repair Shop.

(b) Four specially trained apprentices were taken on in 1931, namely two European and Anglo-Indian and two Indians. A fifth was added in May, 1934, as stated in answer to (a) above. These five appointments were for newly introduced sections in which none of the *ex*-apprentices senior to those engaged had had any training.”

(c) Does not arise.

APPOINTMENTS OF THE TIME-EXPIRED APPRENTICES OF THE JAMALPUR TECHNICAL SCHOOL TO POSTS UNDER THE CHIEF MECHANICAL ENGINEER AND CHIEF ELECTRICAL ENGINEER, EAST INDIAN RAILWAY.

1015. The Agent, East Indian Railway, reports :

(a) The reply is in the affirmative.

(b) A statement giving the required information is attached.

EAST INDIAN

Statement of Apprentice Mechanics who have been provided

Names.	Date of completion of apprenticeship training.	Name of Workshop from which training was completed.	Division in which passed in Technical School.
Sati Nath Mukherjee ..	6-4-33	Jamalpur Workshops. (Mech. Department).	Honours
Krishna Kumar Sanyal ..	14-4-33	Do. .	1st Division .
M. G. Nair ..	31-8-33	Do. .	Honours .
M. Roy	24-5-33	Do. ..	2nd Division ..
H. N. Banerjee ..	30-4-33	Do. ..	1st Division ..
T. G. Watson ..	17-5-33	Do. ..	Do. .
Muhammad A. Karim ..	19-9-33	Do. .	Honours .. .
C. S. Hosie ..	4-4-34	Do. .	1st Division .
S. N. Verma ..	8-4-34	Do. ..	2nd Division ..
B. N. Mishra ..	3-6-34	Do	Honours .
H. E. Ennis ..	8-4-34	Do .	Do. .
N. L. Sackett ..	18-8-34	Do. .	1st Division .
B. A. Peacock ..	22-8-34	Do.	Honours
H. P. Okhandiar .	8-9-34	Do. .	1st Division
O. P. Callaghan .	20-8-34	Do.	Honours .
Mohammad Ansari ..	10-12-34	Do ..	1st Division .
P. Mukherjee ..	5-9-34	Do.	Do. .
A. Bose	24-11-31	Do. ..	Failed in Final Examination.
P. Biswas ..	15-3-32	Do. .	1st Division .
Mohammad Yusufally ..	3-9-31	Do. ..	Failed in Final Examination.
S. C. Ghose ..	9-11-32	Do. ..	1st Division ..
N. C. Sarkar ..	4-9-25	Do. ..	Passed 1st in 1924 Final Examination.
S. B. Mukherjee ..	1-3-35	Do. ..	1st Division .
A. C. Banerjee ..	16-3-35	Do. .	Do.
P. N. Dutt ..	9-2-30	C. and W. Shops, Lillooah	Do. .
J. Carnegie ..	8-4-34	Do. .	Do.
M. N. Ansari ..	21-1-34	Lillooah Workshops .	Do. .
I. K. Dass ..	5-3-30	Do. ..	2nd Division .
S. C. Ganguly ..	21-8-30	Do. .	1st Division ..
S. N. Mukherjee ..	7-4-33	Jamalpur Workshops and Technical School and Loco Shops, Lucknow.	Do.
S. K. Rana ..	22-8-34	Do. .	Do.
M. F. Ducasse ..	9-2-35	Do. .	Honours .

RAILWAY.

with posts in the Mechanical Workshop since January 1933.

Date of		Name of the workshop in which employed	Designation.	Starting salaries.
Appoint-ment	Confirma-tion			
7-4-33	..	Charbagh (Loco) Lucknow	Chargeman (T. T.) H. T. (S.).	Rs. 130
15-4-33	Not yet confirmed.	Do	Do.	130
Re 6-2-34		Jamalpur Workshops (Mech Department)	Out-turn Supervisor	110
Re 12-5-34		Do.	Do.	110
1-5-33		Do.	Do.	110
18-5-33	Do.	Do.	Do.	110
20-9-33	Do.	Do.	Chargeman (T. T.) (Mechanist).	130
5-4-34	Do ..	Do.	Chargeman (T T.) (Br. Maker).	130
9-4-34	Do .	Do.	Chargeman (T. T.) (Erector).	130
4-6-34	Do.	Do.	Chargehand—Grade I	85
9-7-34	Do.	Do.	Chargeman (T T.) (Millwright).	130
19-8-34	Do	Do.	Chargeman (T T.) (Erector).	130
23-8-34	Do. ..	Do	Chargeman (T T) (Mechanist).	130
4-9-34	Do. .	Do ..	Chargeman (T T) (Blacksmith).	130
21-8-34	Do. ..	Do.	Draftsman (T. T.)	170
11-12-34	Do.	Do.	Chargeman (T T.) (Blacksmith).	110
0-9-34	Do. .	Do.	Chargeman (T T.) (H. T. S.).	130
5-11-34	Do.	Do.	Gunner, Grade I	65
14-3-33	Do. .	Do.	Out-turn Supervisor	110
3-11-33	Do.	Do. ..	Do.	110
14-3-33	Do	Do.	Do	110
18-7-33	Do. .	Do	Gunner, Grade I	85
2-3-35	Do.	Do	Chargeman (T T) (Machinist)	110
17-3-35	Do. ..	Do ..	Chargehand (Machinist)	85
5-2-35	Temporary	C. & W. Shops, Alambag, Lucknow.	Journeyman	85
15-1-35	Do .	Do	Fitter	Rs. 2/6/0 in gr. 1 30-2-38.
7-5-34	Confirmed .	C. & W. Shops, Lilloah	Chargeman (T. T.)	150
10-1-35	Temporary	Do. ..	Do.	100
21-1-35	Do .	Do.	Do	100
8-4-33	Confirmed ..	Loco. Shops, Lucknow	Chargeman (T T.)	130
23-2-34	Temporary	Do.	Do.	130
10-2-35	Do. ..	Do.	Do.	130

Information promised in reply to starred questions Nos. 1034 and 1036 asked by Mr. A. K. Fazlul Haq on the 26th March, 1935.

SENIORITY LIST OF TICKET COLLECTORS AND TRAVELLING TICKET EXAMINERS
IN THE MORADABAD AND LUCKNOW DIVISIONS.

1034. (a), (b) and (d). The seniority list is not confidential. A copy of the Seniority List cannot be given to each employee owing to the volume of work involved; but the staff are, on request, furnished with the information they require in connection with their position on the list.

(c) No. The staff are not furnished with copies of the Seniority List on any division.

TESTS IMPOSED ON THE TICKET CHECKING STAFF ON THE EAST INDIAN
RAILWAY AT THE TIME OF PROMOTION.

1036 The Agent, East Indian Railway, reports :

(b) No, except on the Moradabad Division but instructions have been issued to the Divisional Superintendent, Moradabad, to abolish the procedure.

(d) No.

(e) The periodical examinations are held with a view to judge whether the staff are up to the required standard of efficiency in their respective grades and posts. These tests do not mean that they are also capable of holding posts which involve duties of greater importance and heavier responsibilities. Therefore when the question of promotion from a lower grade to the next higher grade arises, it is necessary to take into consideration not only the results of the periodical examination but also other qualifications for promotion.

Information promised in reply to starred question No. 1041 asked by Mr. N. M. Joshi on the 26th March, 1935.

NON-GRANT OF HOUSE ALLOWANCE TO CERTAIN RELIEVING CLERKS ON THE
EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports that the practice in regard to grant of house allowance in lieu of free quarters to relieving clerks varies on the different divisions of the railway but that he has now issued orders that relieving clerks of the Traffic Department who were in service before the introduction of the new rent rules be provided with rent free quarters or given house rent allowance in lieu thereof.

Information promised in reply to part (c) of starred question No. 1048 asked by Mr. V. V. Guri on the 26th March, 1935.

APPOINTMENT OF INEXPERIENCED CREW INSPECTORS ON THE EASTERN BENGAL
RAILWAY.

The Agent, Eastern Bengal Railway, reports :

(c) The new appointments did not contravene the instructions laid down by the Railway Board regarding the re-employment of retrenched staff as there were no suitable retrenched staff available.

Information promised in reply to starred question No. 1071 asked by Mr. T. S. Avinashilingam Chettiar on the 27th March, 1935.

POLICE FORCE IN THE CRIMINAL INVESTIGATION DEPARTMENT IN THE CEN-
TRALLY ADMINISTERED AREAS.

(a), (b) and (c). The information is given in the attached statement.

(d) and (e). The C. I. D. staff in these areas is employed partly on the investigation of ordinary crime partly on the investigation and prevention of crimes against the State which involves keeping a watch on persons suspected of being engaged in revolutionary activities. There is no fixed allocation of staff between these two duties.

STATEMENT.

	(a) Numbers.	(b) Amount spent	(c) Whether expenditure is audited.
Mysore Residency	Sub-Inspectors . 3 Head Constables .. 6 Constables .. 11	12,900 p.a.	Yes.
Hyderabad Residency	Sub-Inspectors . 1 Head Constables .. 8	431 p.m. or 5,172 p.a.	Yes.
Rajputana Agency	D. S. P. . 1 Inspectors . 2 Sub-Inspectors (including 6 engaged on Finger Print work). . 9 Head Constables Constables . 5	31,450	Yes.
Baluchistan Agency	Inspectors 4 Sub-Inspectors .. 9 Head Constables 14 Constables 19	50,000	Yes.
Central India Agency ..	No separate C. I. D.		
Western India States Agency			
Ajmer-Merwara			
Gujarat States Agency ..			
Aden . ..			
Coorg .			
Andamans			
Delhi	Supdt. 1 Dy. Supdt. .. 1 Inspectors 3 Sub-Inspectors .. 6 Hd. Constables .. 19 Constables .. . 59	1,06,500	Yes, except that in the secret service Fund which is examined by the Chief Commissioner.

Information promised in reply to starred question No. 1103 asked by Mr. Muhammad Azhar Ali on the 28th March, 1935.

SENIORITY LIST OF TRAVELLING TICKET EXAMINERS AND TICKET COLLECTORS
ON THE EAST INDIAN RAILWAY

(a) and (b). The Honourable Member is referred to the information laid on the table of the House to-day in reply to starred question No. 1034 asked by Mr. A. K. Fuzlul Haq on the 26th March, 1935.

Information promised in reply to starred questions Nos. 1110 and 1111 asked by Maulvi Syed Murtaza Sahib Bahadur on the 28th March, 1935.

PRODUCE OF THE LAND OF THE ISTIMVARI AREA OF SATHANA, AJMER-MERWARA.

1110. (a) There are very few instances in the Khalsa area of Ajmer-Merwara in which cash rents are charged, and even in those very rare cases the amount of rent is settled for a group of fields of various kinds of soil, collectively. It is, therefore, not possible to determine the cash rate per bigha of Chahi or Barani land. The rates of rent, in kind, generally charged on (i) Chahi, and (ii) Barani land are respectively :

(i) half the gross produce when the landlord supplies manure, seed, etc., to the tenant,—otherwise one-third of the gross produce ; and

(ii) one-third of the gross produce.

(b) The cash rates of rent realised in Dolatpura are as under :

Crop.	Rate per bigha on			
	Chahi land.		Barani land.	
	Rs.	as.	Rs.	as.
Cotton	1	12	0	14
Methi	0	14	Nil.	
Chillies	0	14	Nil.	

No cash rent is charged for other crops. One-third of the gross produce is generally recovered as rent on both Chahi and Barani areas. In addition there is a cess of $3\frac{1}{4}$ seers per maund.

Information promised in reply to starred questions 1110 and 1111 asked by Maulvi Syed Murtaza Sahib Bahadur on the 28th March, 1935.

PRODUCE OF THE LAND OF THE ISTIMVARI AREA OF SATHANA, AJMER-MERWARA.

1111. (i) Attention is invited to the answer to part (a) of Honourable Member's question No. 1110.

(ii) One-third of the produce is generally recovered as rent, and in addition to this there is a cess of $3\frac{1}{4}$ seers per maund.

Information promised in reply to starred question No. 1224 asked by Syed Ghulam Bhik Nairang on the 30th March, 1935.

NUMBER OF MUSLIMS AND NON-MUSLIMS EMPLOYED AS ASSISTANT MANAGER
AND HEADS OF BRANCHES, IN THE GOVERNMENT OF INDIA PRESSES
AND IN THE CENTRAL PUBLICATION BRANCH.

(a) 19 and 3 respectively.

(b) 244.

Information promised in reply to part (a) of starred question No. 1243 asked by Mr. N. V. Gadgil, on the 30th March, 1935.

DEPARTMENTS OF PUBLIC SERVICES DIRECTLY UNDER THE ADMINISTRATION
OF THE GOVERNMENT OF INDIA.

<i>Name of Department.</i>	<i>Headquarters.</i>
1. Southern Command (Indian Army) ..	Poona.
2. Sind (Independent) Brigade Area ₁ (Indian Army) .	Karachi.
3. Royal Indian Navy ..	Bombay
4. Royal Air Force Units and Indian Air Force ..	Karachi.
5. Office of the Agent, Great Indian Peninsula Railway ..	Bombay.
6. Office of the Senior Government Inspector of Railways, Circle No. 5. .	Bombay.
7. Office of the Chief Accounts Officer, Great Indian Peninsula Railway	Do.
8. Office of the Captain Superintendent, I. M. M. T. S. "Dufferin" ..	Do.
9. Offices of the Principal Officers. Mercantile Marine Department, Bombay District and the Shipping Master, Bombay ..	Do.
10. Office of the Superintendent of Lighthouses, Bombay District ..	Do.
11. Office of the Principal Officer, Mercantile Marine Department and Superintendent of Lighthouses, Karachi District ..	Karachi.
12. Indian Meteorological Department .	Poona.
13. Office of the Deputy Controller of Currency (including the Currency Office, Bombay) ..	Bombay.
14. Security Printing, India .	Nasik.
15. Office of the Accountant-General, Bombay ..	Bombay.
16. His Majesty's Mint. .	Do.
17. Customs Department (Collector of Customs and Salt) ..	Do.
18. Salt Department (Collector of Customs and Salt) ..	Do.
19. Income-tax Department (Commissioner of Income-tax) ..	Do.
20. Office of the Controller of Military Accounts, Southern Command ..	Poona.
21. Office of the Controller of Naval Accounts ..	Bombay.

Information promised in reply to starred question No. 1294 asked by Pandit Nilakantha Das on the 1st April, 1935.

POSITIONS UNDER GOVERNMENT (INCLUDING RAILWAYS) REQUIRING OUT-
STANDING TECHNICAL QUALIFICATIONS TO SERVE AS HEADS.

(a) The Government of India are not concerned with provincial operations involving high technical skill. So far as their own Civil Departments are concerned, there are at present 22 posts of heads of engineering services, etc., the incumbents of which are required to possess outstanding technical qualifications. No non-official experts have been engaged for big building operations by the Government of India from outside during the last ten years.

(b) The Railway Department set up the following two Committees during the last 10 years :

- (1) The Committee appointed in 1933 to report on the suitability of Ascu preservative for treating timber.
- (2) The Hardinge Bridge Committee, 1934.

There is also a standing expert committee attached to the Department of Industries and Labour, known as the Central Board of Irrigation.

(c) Of the posts mentioned in (a), nine have been held by Indians. The Central Board of Irrigation mentioned consists of Chief Engineers (Irrigation) of the different provinces and four Indian Chief Engineers have served on it. The Chairman of the committee which dealt with the Ascu preservative was an Indian who did not belong to any railway service.

(d) In view of the fact that the works in question are usually carried out by the members of the services concerned, Government do not consider that any useful purpose would be served by publishing a yearly report.

Information promised in reply to starred questions Nos. 1324, 1325 and 1326 asked by Mr. D. K. Lahiri Chaudhary, on the 2nd April, 1935.

SUCCESSFUL MECHANICAL *ex*-APPRENTICES OF THE LILLOOAH WORKSHOPS, EAST INDIAN RAILWAY.

1354. The Agent, East Indian Railway reports :

(a) Every endeavour is made to provide the successful mechanical *ex*-apprentices with posts when there are vacancies to be filled. Owing to the economy campaign and to retrenched mechanics on the waiting list having to be absorbed vacancies have been few. All mechanics on the waiting list have now been absorbed and in future *ex*-apprentices will be taken into consideration when vacancies occur.

(b) Yes, also by Deputy Chief Mechanical Engineer, Lillooah.

(c) The implication is inaccurate. The following Lillooah *ex*-apprentices have been given employment in the Lucknow Workshops :—

Name.	Completed apprenticeship.	Date appointed.
S. K. Rana	6 8 1933	7 8 1933
A. Beg	18 2 1929	19 2 1929
P. N. Dutta	9 2 1930	March 1935
J. Carnegie	8 4 1934	15 1 1935

(d) 35 per cent. of the Chargemen, Mechanics and Journeymen in the Locomotive and Carriage and Wagon Works at Lucknow are illiterate in English but with the exception of a very few cases, all are literate in their own vernacular. The exceptions are in the Journeymen's grade, a grade to which *ex*-apprentice mechanics are not normally appointed, although they are at times appointed, at their own request, to posts lower than that of the technically trained grades.

In regard to clerical staff appointed in the Workshop Supervising grade, there are three cases, all of which have been appointed in semi-technical posts, *i.e.*, a Store Keeper, a Journeyman (who deals with workshop stores) and a Gunner.

(e) The staff in question were appointed prior to the amalgamation, as the then Locomotive Superintendent, Oudh and Rohilkund Railway considered that mechanics and mistries deserving of promotion should be encouraged by being promoted to supervising grades.

(f) This practice has been discontinued since the amalgamation and the posts in question have been reserved for *ex*-apprentice mechanics. This, however, does not indicate that deserving mistries have no longer any opportunities for promotion since posts carrying pay in the old scales up to Rs. 140 and in the new scales up to Rs. 120 are open to them.

(g) No, as it would be most unfair to replace these Indian Journeymen Mechanics and Chargemen by *ex*-apprentices. They have had long years of practical experience in workshops and have discharged the duties entrusted to them in an efficient and reliable manner. In many cases they have received technical education; although not up to the standard given at the present time to apprentices who pass through the Jamalpur Technical School.

Ex-Apprentices of Jamalpur Technical School, East Indian Railway.

1325. The Agent, East Indian Railway reports :

(a) *Ex*-apprentices who cannot be absorbed on completion of their training are placed on a waiting list and from this list they are subsequently absorbed according to their training in their respective grades in order of seniority which is reckoned from the date of completion of their apprenticeship. *Ex*-apprentices are, however, retained on the waiting list for a period of two years only from the date of completion of apprenticeship. As between *ex*-apprentices on the waiting list and other apprentices who subsequently complete their training selection is entirely by merit. If merit is equal or nearly equal an *ex*-apprentice on the waiting list is given preference.

(b) Yes, those appointed as apprentices prior to the 16th July, 1931, and retained in service on completion of apprenticeship, are governed by the old scales of pay.

(c) Yes, *ex*-apprentices who were discharged on completion of apprenticeship and were re-engaged after the 15th July, 1931, are governed by the revised scales of pay of 1934.

(d) Five *ex*-apprentices were appointed in 1933 as Train-Examiners provisionally in the old scales of pay. On the introduction of the revised scales of pay (1934) their pay has been fixed in the new scales.

(e) No. Only apprentices who were appointed before the 16th July, 1931, and who were retained in service on completion of their apprenticeship, are entitled to the old scales of pay. The new scales of pay apply to apprentices engaged after a break in service if such break occurred after the 15th July, 1931.

(f) Does not arise.

CONFIRMATION OF CERTAIN MECHANICAL *ex*-APPRENTICES UNDER THE CHIEF MECHANICAL ENGINEER, EAST INDIAN RAILWAY.

1326. The Agent, East Indian Railway, reports :

(a), (b) (i) and (c). There are certain *ex*-apprentices who have been appointed temporarily both at Jamalpur and Lucknow in connection with the remodelling scheme and whose services will not necessarily be retained when this work is completed.

At Lillooah two *ex*-apprentices have been engaged in temporary posts to cope with a temporary rush of work

(b) (ii). The question of the confirmation of these *ex*-apprentices will be considered when the Jamalpur remodelling has been completed.

Information promised in reply to parts (d) to (h), (k) and (l) of starred question No. 1359, asked by Dr. N. B. Khare on the 2nd April, 1935.

APPLICABILITY OF FINANCE DEPARTMENT CIRCULAR NO. F-78-XI-EX-I-31, TO THE STAFF ON STATE-MANAGED RAILWAYS.

(d) No. It was not the intention that committees should be formed to select the staff for retrenchment.

The Agent, East Indian Railway, reports

(e) and (f). Six of the inferior staff at Chandausi School were retrenched from the 1st August, 1933 and the School Sergeant was retrenched in June, 1933.

(g) Yes.

(h) The surplus inferior staff at the Chandausi School were included in the number of Way and Works staff of the Moradabad division in the Gazette

referred to. The post of School Sergeant was not included in the notification as the Agent was not aware at the time that it was intended to retrench this post.

(k) The duties performed by the School Sergeant were as under :

Supervision of—

Conservancy staff.

Watch and Ward staff.

Maintenance of buildings.

Messing arrangements of Catering

Contractor.

Workshop staff

Peons and coolies.

Games and upkeep of games material.

School furniture.

Mess and school equipment.

(l) The School Steward who has replaced the School Sergeant and the accounts clerk formerly employed, is responsible to the Superintendent for the office work inclusive of upkeep of Ledgers, etc., conservancy, school furniture, mess equipment, supervision of peons and maintenance of school buildings.

Information promised in reply to part (b) of starred question No. 1375, asked by Khan Sahib Nawab Siddique Ali Khan (on behalf of Mr. A. K. Fazlul Huq) on the 2nd April, 1935.

COMMUNAL COMPOSITION OF INTERIOR ESTABLISHMENT OF THE CENTRAL PUBLIC WORKS DEPARTMENT INCLUDING CENTRAL INDIA AND RAJPUTANA, AT THE END OF 1934.

Section.	Strength.	Hindus.		Muslims.		Europeans and Anglo-Indians.		Sikhs.		Indian Christians.		Other Communities.	
		No.	Percent- age	No.	Percent- age.	No.	Percent- age.	No.	Percent- age.	No.	Percent- age.	No.	Percent- age.
Office Establish- ment.	{ Permanent ..	87	50	84	48	..	..	4	2	..	..	..	..
	{ Temporary ..	32	63	16	31	..	..	2	4	1	2	..	..
Caretaking Estab- lishment.	{ Permanent ..	79	69	25	22	..	..	10	9	..	..	..	.
	{ Temporary ..	17	53	7	22	..	..	7	22	1	3	..	..

H

Information promised in reply to starred question No. 1379 asked by Sardar Sant Singh on the 2nd April, 1935.

APPOINTMENT OF APPRENTICE PERMANENT WAY INSPECTORS ON THE EASTERN BENGAL RAILWAY.

(a) Yes.

(b) 2,075 applications were received. The number of vacancies to be filled was not mentioned in the advertisements. A preliminary selection was made by the Welfare Officer and the Personal Assistant to the Chief Engineer who selected 437 candidates for interview of whom five were employees of the Eastern Bengal Railway.

A selection Committee consisting of the Deputy Chief Engineer, the Personal Assistant to the Chief Engineer and the Welfare Officer interviewed 437 candidates and selected the following to fill up the eleven vacancies :

	Employees.	Outsiders.	Total.
Hindus	4	2	6
Muslim .. .. .	..	3	3
Anglo Indians .. ..	..	1	1
Other Minority Communities .. ..	..	1	1

(Sikh).

(c) Out of the total number of Hindus selected, namely, six, four were already in railway employment and two were recruited from outside. The Selection Board followed the accepted principle, *i.e.*, giving preferential consideration to the sons of railway servants who have rendered efficient service to the railway, provided the candidates were otherwise suitable. It is a mere coincidence that one of the candidates selected, who is a son of a District Traffic Superintendent who died some years ago, happens to be also the nephew of a Stores Department Officer at present employed on the Eastern Bengal Railway.

(d) Yes.

(e) As regards the first part Government are informed that the object of inviting outsiders to be interviewed was to secure a certain number of suitable candidates in the open market.

The reply to the second part is in the negative.

(f) In view of the reply to part (e) above and of the facts that the number of vacancies was not advertised and that seven out of the eleven vacancies were available for outsiders, it was not considered necessary to differentiate between the vacancies to be filled by departmental candidates and those to be filled by outsiders.

(g) If railway Administrations are to advertise vacancies to be filled, a very large number of applications must be expected in the present state of the labour market, and it is not possible to make the final selection without interviewing a fair percentage of the applicants. In the case in point about 80 per cent of applications were weeded out in the preliminary selection and 20 per cent. were interviewed by the Selection Board.

(h) No. The Agent, Eastern Bengal Railway, reports that the volume of work involved in going through all the applications, interviewing applicants and making the final selection, is so great that the Administrative officers mentioned in the question could not undertake it.

Information promised in reply to part (b) of starred question No. 1381, asked by Bhan Parma Nand on the 2nd April, 1935.

PROMOTION OF A CLERK OF THE ROUTINE DIVISION TO THE SECOND DIVISION IN THE DEPARTMENTS OF THE GOVERNMENT OF INDIA.

Vacancies filled in the second division by the Departments of the Government of India, since the coming into force of the Home Department office memorandum No. F-452/27-Ests, dated the 8th December, 1923

..	58
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Vacancies filled by the promotion of unqualified men	..	9
------------------------------------------------------	----	---

Information promised in reply to unstarred question No. 286 asked by Mr. B. B. Varma on the 3rd April, 1935.

RELIEF OF THE STAFF GRANTED LEAVE IN THE KOTAH DISTRICT OF THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

The Agent, Bombay, Baroda and Central India Railway, reports :

“(a) All leave and passes are sanctioned by the District Traffic Superintendent and relief arrangements for subordinate staff are made by the District Traffic Superintendent's office and for the inferior staff by the Traffic-Inspectors. Passes for the inferior staff are issued by the District Traffic Superintendent when the Traffic-Inspectors apply for them as soon as the latter are in a position to relieve the inferior staff. Staff are relieved as soon as relief becomes available.

(b) Pointsman Badri, son of Jodha of Rupbas, claimed damages of Rs. 1,500 from his Traffic-Inspector on the 4th January, 1935, for not relieving him in time.

(c) The case was investigated and it was found that the Station Master, Rupbas, had wired to the Traffic-Inspector on the 13th March, 1934, intimating that Badri's wife's condition was hopeless and he was relieved without undue delay on the 15th March, 1934, afternoon, when the first Relieving Pointsman became available.

Every possible effort is made to relieve staff promptly in urgent cases.

Information promised in reply to unstarred question No. 296 asked by Mr. C. N. Muthuranga Mudaliar on the 3rd April, 1935.

SEATS IN THE THIRD CLASS CARRIAGES ON THE SOUTH INDIAN RAILWAY.

(c) The carriages with two seater benches are not generally utilised on important main line trains. Steps are being taken by the South Indian Railway to replace these carriages by the latest type of third class carriages when the former are condemned or pass their time limit.

Information promised in reply to unstarred question No. 299 asked by U Thein Maing on the 1st April, 1935.

CONTRACTS FOR THE SUPPLY OF BALLAST STONES TO THE BURMA RAILWAYS.

Year.	Percentage.	
	By number.	By amount.
1932-33	2.00%	2.64%
1933-34	11.11%	9.73%
1934-35	15.18%	9.79%

Information promised in reply to starred question No. 1446 asked by Seth Govind Das on the 4th April, 1935.

ARREST AND CONVICTION OF FOUR PERSONS DAILY, FOUND TRAVELLING WITHOUT TICKETS, AT JUBBULPORE.

A large number of passengers were being detected at Jubbulpore travelling without tickets. The number so detected during the months of October, 1934 to

March, 1935, and the number who paid the charges due on demand were as follows :

Months.	No. of passengers detected without tickets.	No. of passengers who paid the charges due on demand.
October, 1934	60,0	64
November, 1934	560	11
December, 1934	660	31
January, 1935	675	28
February, 1935	524	24
March, 1934	463	63

As it was considered impracticable to prosecute all those who did not pay on demand, arrangements were made, in consultation with the local railway police and magisterial authorities for a maximum of four passengers per day to be sent up for prosecution. The numbers actually prosecuted, however, during the six months in question were :

40 under Section 113 of the Indian Railway Act.

138 under Section 112 of the Indian Railway Act.

Information promised in reply to starred question No. 1468 asked by Mr. D. K. Lahiri Chaudhury on the 4th April, 1935.

POST AND TELEGRAPH OFFICES MAINTAINED FOR MILITARY PURPOSES.

(a) The names of the Post and Telegraph offices maintained for military purposes are :

- | | |
|--------------------|-----------------|
| (1) Landikotal. | (12) Wana. |
| (2) Shahgai. | (13) Manzai. |
| (3) Jamrud. | (14) Jandala. |
| (4) Razmak. | (15) Dattakhel. |
| (5) Thull. | (16) Mirali. |
| (6) Fort Lockhart. | (17) Miranshah. |
| (7) Dosalli. | (18) Sarwakai. |
| (8) Dargai. | (19) Spinwam. |
| (9) Malakand. | (20) Sararogha. |
| (10) Chakdara. | (21) Shewa. |
| (11) Oghi. | |

(b) A contribution to compensate for the loss involved is made by the military authorities in respect of the seven offices, Nos. 15 to 21, in the above statement. The working of the other offices does not involve any loss and hence no contribution is made.

Information promised in reply to starred question No. 1470 asked by Mr. S. Satyamurti on the 4th April, 1935.

SUBJECTS OF INDIAN STATES AGAINST WHOM PROCEEDINGS HAVE BEEN TAKEN
BY LOCAL GOVERNMENTS UNDER THE FOREIGNERS' ACT.

Province.	No.	No. of orders still in force	No. of orders cancelled.
Madras	4	4	..
Bengal	2	2	..
United Provinces .. .. .	..	..	..
Punjab .. .. .	..	..	..
Burma .. .. .	..	..	..
Bihar and Orissa .. .. .	..	..	..
Central Provinces	3	..	3
Assam .. .. .	..	..	..
North-West Frontier Province .. .. .	..	..	..
Coorg .. .. .	..	..	..
Delhi .. .. .	..	..	..
Ajmer-Merwara .. .. .	..	..	..

None of the persons referred to above was convicted in connection with the Civil Disobedience Movement.

Information promised in reply to starred questions Nos. 1485, 1487 parts (a) and (b) of 1488 and 1491 asked by Mr. Ram Narayan Sinha on the 4th April, 1935.

GRIEVANCES OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN
RAILWAY.

1485. (a) Yes.

(b) Yes.

(c) The reply to the first part is in the negative. As regards the second part, Travelling Ticket Examiners frequently work on moving trains. So do many others.

(d) and (e). The Agent, East Indian Railway, reports that the method of preparation of programme is not the same for Travelling Ticket Examiners and guards.

(f) Yes.

(g) There is a great difference between the nature of the duties of Guards and those of Travelling Ticket Examiners and, therefore, the two classes of staff cannot be treated on the same basis in respect of hours of duty and periods of rest. There are no fixed rules as regards the rest at out-stations, but the programme of work is so arranged that the men get adequate rest.

(h) Yes. If admissible according to rules.

(i) Travelling Ticket Examiners are not entitled to rest periods and allowances which are permissible to Guards. The Agent, East Indian Railway reports that on that railway the hours of duty of all Travelling Ticket Examiners are so regulated as to give them the benefit of the hours of employment rules, although this is not actually required under the conditions of their service, since they are classified as running staff for the purpose of those rules.

(j) The duties are different, and the rules regarding rest have also to be different.

GRIEVANCES OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

1487. (a) Yes. In accordance with the Guards Allowance Rules

(b) The rules for Guards' allowances are not applicable to Travelling Ticket Examiners. In this connection I would refer the Honourable Member to the reply given to part (g) of Question No. 1485 just laid on the table of the House.

GRIEVANCES OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY

1488 The Agent, East Indian Railway, reports :

(a) Exchange of duties between staff is generally discouraged as such exchanges are liable to cause dislocation or normal working. In emergent cases, however, it is permitted, with the prior sanction of the competent supervising senior subordinate, and Travelling Ticket Examiners are not made an exception of in this respect

(b) To prevent disorganisation of work a severe view is always taken of cases in which staff fail to turn up in time for the train by which they are booked without authorised leave or without producing a proper medical certificate. The consumption of medicine is not considered an authority for unpunctuality or absence from duty.

GRIEVANCES OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY

1491. The Agent, East Indian Railway, reports :

(a) The question is obscure for it is not clear in what connection the term "rest" is used.

(b) Until the obscurity referred to in reply to part (a) above is removed, differential treatment is not apparent and the question does not arise

Information promised in reply to starred question No. 1513 asked by Prof. N. G. Ranga on the 4th April, 1935.

OFFERS OF SINKING OR CONSTRUCTING WELLS OR MYERS' PUMPS ON RAILWAY PLATFORMS OR WITHIN RAILWAY COMPOUNDS.

Government are informed that one such offer by the public of Indupalli to erect a "Myers Pump" on the Railway platform, was received by the Madras and Southern Mahratta Railway Administration in January, 1934, and that this request was later supported by the Andhra Desa Railway Passengers Association. As the arrangement for the supply of water to passengers which had meanwhile been augmented, were considered adequate, the offer was not accepted.

The administration do not consider it desirable that works of this nature, within Railway premises, should be provided by any agency other than the Railway.

Information promised in reply to starred question No. 1563 asked by Mr. Satya Narayan Sinha on the 5th April, 1935

RECONSTRUCTION OF CERTAIN BRIDGES BETWEEN MADHUBANI AND JAYANAGAR ON THE BENGAL AND NORTH WESTERN RAILWAY.

(a) Yes.

(b) It is a fact that in certain instances existing spans which had ceased functioning were filled in. In other cases, the bridges were rebuilt with an increase in waterway.

(c) Government have no reason to doubt that the floods caused damage to standing crops, but the flooding was in no way due to any deficiency in the water-way provided by the Railway as supposed, but to the steady rise of the river bed by silting and possibly to subsidence of the flooded areas due to the earthquake of January, 1934.

(d) to (f). A representation was received from the Chief Manager, Raj Darbhanga, but it was pointed out to him that the flooding was due to the rise in the river bed and to the change taking place in the course of the river which is tending to return to its old bed

Information promised in reply to parts (a) and (b) of starred question No. 1577 asked by Mr. Ram Narayan Sinha on the 5th April, 1935.

APPLICATIONS MADE UNDER SECTION 30 OF THE INDIAN INCOME-TAX ACT.

(a) and (b) A statement giving the necessary information for the year 1934-35 is laid on the table.

STATEMENT.

1934-35.

District or Circle.	*No. of applications made under section 30.	†No. of cases in which modifications were made in favour of the applicants.
Patna	232	207
Gaya	236	100
Shahabad	172	40
Bhagalpur (South) Sonthal Pargannas (East)	379	239
Muzaffarpur (Sadar) Champaran	353	237
Darbhanga-Sitamarhi	281	160
Saran-Hajipur	293	290
Purnea-North Bhagalpur	393	280
Ranchi	59	36
Manbhum Sadar	66	33
Dhanbad	79	45
Singhbhum	107	64
Sambalpur	103	65
Hazaribagh	110	56
Palamau	45	17
Cuttack	142	75
Balasore	54	35
Puri	75	28
Salaries Circle	31	22
Monghyr-Sonthal Pargannas (West)	322	132

* Include appeals filed in previous years but disposed of in 1934-35.

† Include slight reductions.

Information promised in reply to part (b) of starred question No. 1580 asked by Mr. Ram Narayan Singh on the 5th April, 1935.

IMPOSITION OF PENALTIES UNDER SECTION 28 OF THE INCOME-TAX ACT IN
CUTTACK, PURI AND BALASORE CIRCLES.

(b) No.

Information promised in reply to starred question No. 1659 asked by Mr. Umar Aly Shah on the 8th April, 1935.

CERTAIN SUBORDINATES OF THE CENTRAL PUBLIC WORKS DEPARTMENT, NEW
DELHI.

(a) A list of permanent subordinates in the Central Public Works Department who have not passed any recognised technical examination is laid on the table.

(b) They were given permanent appointments on the merits of their practical experience and qualifications.

(c) There are only two such subordinates, namely—Mr. Manzoor Ali, and Mr. Harbans Swarup.

List of permanent Subordinates in the Central Public Works Department who have not passed any recognised technical examination.

<i>Subordinate Engineering Service.</i>	<i>Electrical and Mechanical Section.</i>
1. Mr. Gurdit Singh.	1. Mr. Kesar Chand.
2. Mr. Shib Dayal.	2. Mr. Sundar Singh.
3. Mr. Ram Chand (Delhi).	3. Mr. W. Wylie.
4. Mr. Chiranjil Lal.	4. Mr. F. D. Williams.
5. Mr. Allah Ditta.	5. Mr. Habibul Rahman.
6. Mr. Badruddin I.	6. Mr. Pooran Chand.
7. Mr. Rulia Ram.	7. Mr. Bua Ditta Mal.
8. Mr. Basant Singh.	8. Mr. Sant Ram.
9. Mr. Noor Mohammed.	9. Mr. R. H. Foster.
10. Mr. Ram Chand (Ajmer).	
11. Mr. Ghulam Sabir.	

Information promised in reply to unstarred questions Nos. 302, 303, 304, 307, 317 and 318 asked by Dr. N. B. Khare on the 9th April, 1935.

REMOVAL OF TRAVELLING TICKET COLLECTORS FROM THE CATEGORY OF TRAIN
(TRAFFIC) OR RUNNING STAFF ON CERTAIN RAILWAYS.

302. So far as the grant of mileage allowances is concerned, the Travelling Ticket Checking staff ceased to be treated as running staff on :

North Western Railway	} from the 1st June, 1931.
East Indian Railway	
Eastern Bengal Railway, from the 1st April, 1931.	

On the Burma Railways, the question is still under consideration.

On the Great Indian Peninsula Railway the Travelling Ticket Checking staff were never, so far as I am aware, given mileage allowances. They have all along been given either daily or night allowance under the Travelling Allowance Rules.

DUTIES AND RESPONSIBILITIES OF THE CREW SYSTEM IN THE HOWRAH AND LUCKNOW DIVISIONS, EAST INDIAN RAILWAY.

303. Mr. G. J. Harris's report from which the quotation has been taken has no bearing on the question of seniority. As regards fixation of seniority of Crew and other Travelling Ticket Checking staff on absorption in the Moody-Ward system, I would refer the Honourable Member to the information laid on the table of the House on the 19th July, 1934, in reply to part (2) of question No. 459, asked by Mr. S. G. Jog, on the 13th March, 1934.

PROMOTION AND SENIORITY OF THE TRAVELLING TICKET INSPECTORS OF THE ACCOUNT AND AUDIT DEPARTMENT TRANSFERRED TO THE TRAFFIC DEPARTMENT OF THE EAST INDIAN RAILWAY.

304. The Agent, East Indian Railway reports :

At each of the stages mentioned the seniority of the Ticket Checking Staff was maintained on the lines stated below :

1st May, 1931 . The seniority of Travelling Ticket Inspectors of the Accounts Department was distinct from the seniority of staff on the Crew System.

1st June, 1931 : A combined seniority list was made for each grade of the Moody-Ward system in which the Travelling Ticket Inspectors of the Accounts Department were positioned with other ticket checking staff, seniority being determined primarily according to pay and by length of service when pay was equal.

1st January, 1933. } In December, 1932, the old Travelling Ticket Inspectors
1st March, 1933. } of the Accounts Department who were absorbed in the Moody-Ward scheme as Travelling Ticket Examiners were allowed the option of retaining the scales of pay applicable to the former permanent posts held substantively by them with the benefit of increments therein.

CONSOLIDATED ALLOWANCE OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

307. The Agent, East Indian Railway, reports :

- (a) 1. Chief Inspectors (Tickets) = 6.
 2. Inspectors (Ticket), Grade I = 6
 3. Inspectors (Ticket), Grade II = 5
- (b) 1. Rs. 240—20—460.
 2. Rs. 200—10—220.
 3. Rs. 150—10—190.

(c) The Inspectors draw ordinary travelling allowance as applicable to other Inspectors under the State Railway or East Indian Railway Rules, the rates are as shown below :

State Railway Rules	East Indian Railway Rules.
Staff drawing Rs. 501 and above Rs. 4 per day.	European and East Indian subordinates Rs. 4 per night.
Staff drawing Rs. 401 to Rs. 500, Rs. 3/8/0 per day.	Indian employees drawing Rs. 350 and above, Rs. 3/8/0 per night
Staff drawing Rs. 301 to Rs. 400, Rs. 3 per day.	Indian employees drawing Rs. 250 to under Rs. 350 Rs. 2/8/0 per night.
Staff drawing Rs. 201 to Rs. 300, Rs. 2/8/0 per day.	Indian employees drawing Rs. 200 to under Rs. 250, Rs. 2 per night.
Staff drawing Rs. 101 to Rs. 200, Rs. 1/8/0 per day.	Indian employees drawing Rs. 100 to under Rs. 200, Rs. 1/8/0 per night.

(d) A statement giving the required information is attached. (A).

(e) A statement giving the required information is attached. (B).

The old Travelling Ticket Inspectors and staff of the Crew System were fitted into appointments in the Moody-Ward Scheme according to their suitability, limited necessarily by the sanctioned number of posts in each grade.

"A".

List showing the rates of pay of the old Travelling Ticket Inspectors who are now employed as Head Ticket Collectors, Assistant Head Ticket Collectors or Ticket Collectors.

Name	Designation.	Grade held.		Pay.
		Rs.	P.	
F. L. Roberts	Head Ticket Collector ..	200—10—220		210
B. B. Nigam . . .	Assistant Head Ticket Collector	130—10—200		200
D. Peck	Head Ticket Collector ..	200—10—220		220
D. Wheeler	Do. ..	150—10—190		190
J. N. Sinha	Do. ..	150—10—190		180
Shitab Rai	Do. ..	130—10—200		200
M. A. Springett ..	Do ..	130—10—200		200
Hamin Hussain .. .	Do. ..	130—10—200		200
S. Payambar	Assistant Head Ticket Collector.	110—5—140		125
T. Liddle	Do. .	130—10—160		160

"B".

Rates of pay last drawn by the staff of Crew System who are now employed as Ticket Inspectors.

Name.	Designation.	Existing grade.	Rates of pay last drawn in Crew System.	
			Grade.	Pay.
		Rs.	Rs.	Rs.
A. H. Kurishy ..	Inspector (Ticket)	200—10—220	220—20—300	260 Station Inspector.
A. L. Deefholts .	Junior Inspector (Ticket).	150—10—190	150—10—200	190 Line Inspector.
A. G. Khan ..	Inspector (Ticket)	200—10—220	150—10—200	200 Hostel Supervisor.
T. N. Kitchlu .	Junior Inspector (Ticket).	150—10—190	150—10—200	180 Line Inspector.
K. M. Asghar ..	Do. ..	150—10—190	150—10—200	180 Do.
Mohd. Latiff .	Chief Inspector (Tickets).	240—20—460	240—20—460	260 Chief Inspector (Tickets).

CONSOLIDATED ALLOWANCE OF THE TICKET CHECKING STAFF ON THE EAST INDIAN RAILWAY.

317. The Agent, East Indian Railway, reports :

(a) In the Ticket Checking Branch the posts of Chief Inspectors (Tickets) are higher than the posts of the Travelling Ticket Inspectors. The rules for recruitment and training of subordinate staff referred to in part (c) of this question are followed.

(b) Attention of the Honourable Member is invited to the information just laid on the table of the House in reply to parts (a) and (b) of his question No. 307 asked by him on the 9th April, 1935.

(c) With the circular referred to, the rules for the recruitment and training of subordinate staff, were published for the information and guidance of all concerned.

(d) and (e) Ticket Collectors form one of the classes in the group of staff called "Ticket Collectors" in Rule 25 of the recruitment rules. The group includes besides ticket collectors, Travelling Ticket Examiners, Assistant Head Ticket Collectors, Head Ticket Collectors, Inspectors and Chief Inspectors of Tickets. Recruitment is normally made initially to the lowest grade of the class "Ticket Collectors".

PROMOTION AND SENIORITY OF THE TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

318 (a) Attention of the Honourable Member is invited to the information just laid on the table of the House in reply to question No. 304 asked by him on the 9th April, 1935. Any changes that have taken place are the result of altered conditions due to the re-organisation of the ticket checking system and not of transfer from one Department to another.

(b) Agent, East Indian Railway, reports that there were only two grades, viz. :—

(i) Rs. 60—4—64—8—120, and

(ii) Rs. 130—10—200

The number of staff in these grades was as follows :—

Date.	Grade (i).		Grade (ii).	
	Rs.		Rs.	
	60—4—64—8—120.		130—10—200.	
1st April, 1926	86	24	
31st May, 1931	86	24	
1st June, 1931	72	8	
1st March, 1935	69	8	

(c) There are no grades the maximum of which is Rs. 80 or Rs. 96, Rs. 180 and Rs. 210. In all branches of service staff after reaching the maximum of each grade normally wait until vacancies in the sanctioned cadre of the next higher grade occur.

(d) The answer to the first part of the question is in the affirmative.

(i) I would refer the Honourable Member to the reply given to part (c) above.

(ii) and (iii) The Railway Board's order in question allowed these men to retain the scales of pay applicable to the permanent posts held by each of them in a substantive capacity prior to the introduction of the Moody-Ward scheme. They held posts in the scales referred to in part (b) above and have been allowed increments in the scale of pay of the posts substantively held by them. The Board's orders did not allow these men to be given pay and increments in higher posts which were formerly in existence in the Accounts Department of which they were not the substantive holders at the time when they were absorbed in the Moody-Ward scheme.

(iv) Government are not prepared to go beyond the orders referred to above.

(e) The reply to the first part of the question is in the affirmative.

(i) For higher grade posts, I would refer the Honourable Member to the information just laid on the table of the House in reply to parts (a) and (b) of his question No. 317 asked on the 9th April, 1935. The employees concerned are, however, eligible, on the occurrence of vacancies,

for appointment to other posts carrying higher pay than those held by them substantively for which they may be qualified. The Agent, East Indian Railway reports that as the higher grade posts for which an employee may be qualified depend on the nature of his qualifications, it is not possible to name such posts or scales of pay attaching thereto.

(ii) No.

(iii) No. The latter part of the question does not arise

(iv) This is a hypothetical question. If, however, the Honourable Member is referring to the case of a Travelling Ticket Examiner on the Moradabad Division of the East Indian Railway, I would refer him to the information laid on the table of the House on the 25th January 1935 in reply to question No. 440 (b) asked by Maulvi Sayed Murtaza Sahib Bahadur on the 7th August, 1934

(v) The Agent, East Indian Railway, reports that there is no anomaly to be removed

(f) If the Honourable Member will quote specific cases, Government will be prepared to make enquiries.

Information promised in reply to unstarred question No. 309 asked by Dr. N. B. Khare on the 9th April, 1935.

PROMOTION AND SENIORITY OF TRAVELLING TICKET EXAMINERS AND TRAVELLING TICKET INSPECTORS OF THE ACCOUNTS AND AUDIT DEPARTMENT TRANSFERRED TO THE OPERATING DEPARTMENT OF THE NORTH WESTERN AND EAST INDIAN RAILWAYS.

The Agents, North Western and East Indian Railways, state :

North Western Railway.—The entire control of Travelling Ticket Examiners and special Ticket examiners (wrongly referred to as Travelling Ticket Inspectors) was transferred from the Accounts to the Executive with effect from 1st June, 1928. From 1st June, 1928 to 31st May, 1931 Travelling Ticket Examiners including Special Travelling Ticket Examiners and Special Ticket Examiners were borne on two separate cadres for the purpose of seniority and for temporary or permanent promotions to their respective higher grades.

2 From 1st June, 1931, the cadre of Travelling Ticket Examiners including Special Travelling Ticket Examiners was abolished and the incumbents of the post were fitted into the cadre of Special Ticket Examiners. Since then they have been borne on a combined seniority list for promotion to higher grades though due to surpluses in these higher grades no such promotions have been made. Travelling Ticket Examiners including Special Travelling Ticket Examiners who prior to 1st August, 1931, held permanent posts as such in a substantive capacity, have been informed that they must before 1st August, 1935, exercise an option of retaining their old scales as personal to themselves will effect from 1st June, 1931, the date on which they were fitted into the Special Ticket Examiner's cadre.

Further instructions as regards seniority and promotion will be issued when they have exercised this option.

East Indian Railway.—Attention of the Honourable Member is invited to the information just laid on the table of the House in reply to question No. 304 asked by him on the 9th April, 1935. The remarks given against the stage 1st May, 1931, also refer to the period previous to that. The remarks given against the stage 1st June, 1931, indicates the position upto 1932.

MOTIONS FOR ADJOURNMENT.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. I have received a notice from Mr. A. K. Fuzlul Huq that he intends to make a motion for adjournment today for the purpose of discussing a definite matter of urgent public importance, namely, "the situation created by the refusal of the Government to allow Mahatma Gandhi

and Congress Leaders to visit the area affected by the Earthquake at Quetta for purposes of carrying on relief operations''. As the Honourable Member is not in his seat, that notice of motion for adjournment lapses

PROHIBITION OF MR MOHAN LAL SAKSENA FROM ENTERING INTO THE DISTRICT OF TIPPERA.

Mr. President (The Honourable Sir Abdur Rahim) : I have also received a notice from Mr. Akhil Chandra Datta that he intends to make a motion for adjournment today for the purpose of discussing a definite matter of urgent public importance, *viz*, "the order passed by the District Magistrate of Tippera on the 11th July, 1935, prohibiting Mr. Mohan Lal Saksena, M.L.A., from entering into the District of Tippera where he was proceeding as a member of a committee appointed by the Congress Party of the Assembly to investigate into the administration of repressive laws in Bengal"

Since then I have received a Message from His Excellency the Viceroy and Governor General in which he says that, on the ground that this matter is not primarily the concern of the Governor General, he disallows the motion.

(*Cries of "Shame, shame" from Congress Party Benches*)

REFUSAL OF PERMISSION TO MAHATMA GANDHI AND BABU RAJENDRA PRASAD TO ENTER INTO THE EARTHQUAKE AREA OF QUETTA.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order.

Mr. Avinashilingam Chettiar has also given notice of an adjournment motion which runs as follows :

"I propose to move a motion for adjournment of the business of this House on the opening day of the coming Session for the purpose of discussing a definite matter of urgent public importance, namely, the Government of India's refusal to give permission to Mahatma Gandhi and Babu Rajendra Prasad to enter into the earthquake area of Quetta and do relief work"

I have to inquire whether any Honourable Member has any objection to this adjournment motion

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, I do not want to move my motion

RIOTING OF BRITISH SOLDIERS STATIONED AT JUBBULPORE

Mr. President (The Honourable Sir Abdur Rahim) : I have also received notice of an adjournment motion from Seth Govind Das in which he proposes to discuss "the situation created by the rioting of the soldiers of the King's Regiment stationed at Jubbulpore in the village of Benda near Jubbulpore, Central Provinces". Does the Honourable Member wish to move his motion?

Seth Govind Das (Central Provinces Hindi Divisions : Non-Muhammadan) : Yes, Sir, I wish to move my motion.

Mr. President (The Honourable Sir Abdur Rahim) : I have to inquire whether any Honourable Member has any objection to it.

The Honourable Sir Nripendra Sircar (Leader of the House) : Sir, we object to the motion on the ground that the subject-matter is already being examined by Court, and, therefore, it is not in order. In whatever language the motion may be couched, reference will be made to the part the soldiers took in these disturbances, and I take objection on that ground also.

Seth Govind Das : May I point out to the Honourable Member that I do not want to touch the details of the question. I want to discuss the matter from the broader aspect of military discipline. At the time of the Meerut Conspiracy trial, though the question was *sub judice*, yet an adjournment motion was moved and the Honourable Mr. Patel, the then President, gave the ruling that, in spite of its being *sub judice*, it could be discussed on the floor of the House from the broader point of view.

Mr. President (The Honourable Sir Abdur Rahim) : What is that ruling ?

Seth Govind Das : Yesterday the Library was closed, and, therefore, I could not find it. It was at the time when the Meerut case was going on.

Mr. President (The Honourable Sir Abdur Rahim) : Is not the very fact of rioting one of the issues in the case ?

The Honourable Sir Nripendra Sircar : Yes, Sir. Whether the soldiers committed a breach of discipline or whether they were justified to do what they did, are matters for the Court.

Seth Govind Das : But, as I have said, I want to discuss it from the broader aspect. Sir, now I have got the gist of Mr. Patel's ruling.

The following words are on page 36 of the book, named "Decisions from the Chair" in this respect :

"It was, however, contended for the motion that the Court had nothing to do with the policy underlying the action taken by the Government."

Mr. President (The Honourable Sir Abdur Rahim) : Is there any question of policy here ?

Seth Govind Das : Certainly, Sir, as I have twice said, I do not want to discuss whether the soldiers committed any offence or not, but I want to discuss whether it was proper on the ground of military discipline, because such offences are committed by soldiers every now and then.

The Honourable Sir Nripendra Sircar : May I say a word in reply ? What happened then was that "Pandit Motilal Nehru sought to move the adjournment of the House in order to discuss the policy of the Government in sanctioning wholesale raids and arrests in different parts of India". That is to say, it was the "policy" which he was going to discuss. My friend has not suggested that it is the policy of the Government that he wishes to discuss. He is referring to a riot which is now being tried in a Court, and it has nothing to do with the present situation. As a matter of fact, all these raids were not the subject-matter of investigation by the Court when the riot was going on. It cannot be said that every single raid was then being investigated by the Court. So, the Honourable the President then rightly ruled that those cases were not *sub judice*. There, the Honourable Member wanted to discuss the policy of wholesale raids and arrests. I submit, therefore, that the position then was absolutely different from the present one.

Mr. S. Satyamurti (Madras City - Non-Muhammadan Urban) : The point which my Honourable friend, Seth Govind Das, wants to raise has nothing to do with the facts of the case, which are now being placed

before a Court of law What he wants to discuss is the lack of discipline in this regiment.

Mr. President (The Honourable Sir Abdur Rahim) : But the rioting by the soldiers is a point at issue.

Mr. S. Satyamurti : The lack of discipline is admitted by the fact that these soldiers are being arrested by the army authorities themselves and are handed over for trial. They may be convicted or acquitted, that is quite a different matter. But, so far as the Government are concerned, they admit the facts and have proceeded on them. (*Voices of "No, no" from Official Benches.*)

Mr. President (The Honourable Sir Abdur Rahim) : Is not rioting a point at issue in this case ?

Mr. S. Satyamurti : I admit that it is ; but the point my Honourable friend wants to raise by means of this adjournment motion is the lack of discipline.

The Honourable Sir Nripendra Sircar : How is the lack of discipline proved ?

Mr. S. Satyamurti : It is admitted by Government.

The Honourable Sir Nripendra Sircar : No.

Mr. S. Satyamurti : They have arrested these men, and have placed them for trial before the Court . . .

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member wants to discuss the question of rioting and the situation created by the rioting, and I have no hesitation in ruling that this adjournment motion is out of order, because a principal issue at the trial must be whether there was rioting or not. The ruling which has been referred to and which is No 33 of the "Selection from the Decisions from the Chair" has no bearing on this matter. There the question was whether the House should be allowed to discuss the policy of the Government in sanctioning wholesale raids and arrests in different parts of India. In this case there is no question of any policy of Government.

REFUSAL OF PERMISSION TO MAHATMA GANDHI AND BABU RAJENDRA PRASAD TO ENTER INTO THE EARTHQUAKE AREA OF QUETTA.

Mr. President (The Honourable Sir Abdur Rahim) : Mr. Satyamurti has given notice of a motion for adjournment of the House which runs thus :

"The prohibition of Mahatma Gandhi and Babu Rajendra Prasad, President of the Indian National Congress, and other Congress leaders, from entering Quetta, for helping in relief operations to those who suffered on account of the Earthquake."

Mr. S. Satyamurti : Sir, I do not want to move it.

PROHIBITION OF THE CONVENER OF THE CONGRESS ASSEMBLY PARTY COMMITTEE *re* DETENUS TO ENTER CERTAIN PLACES IN BENGAL.

Mr. President (The Honourable Sir Abdur Rahim) : Mr. Satyamurti has given notice of another motion for adjournment of the House to consider the following definite matter of urgent public importance, namely :

"The prohibition of the Convener of the Committee appointed by the Congress Assembly Party to investigate and report on the condition of the detenus and their families in Bengal, from entering certain places in the province."

Does the Honourable Member want to move it ?

Mr. S. Satyamurti : Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : Then I have to inquire whether any Honourable Member has objection to it

The Honourable Sir Nripendra Sircar : We object to the motion, but I am not asking you to rule it out. It requires 25 Members standing up.

Mr. President (The Honourable Sir Abdur Rahim) : As an objection has been taken, I would like to know how many Members are in favour of the leave being granted.

As not less than 25 Members are in favour of leave being granted, the motion will be taken up for discussion at 4 P.M. today.

GOVERNOR GENERAL'S ASSENT TO BILLS.

Mr. President (The Honourable Sir Abdur Rahim) : I have to inform Honourable Members that the following Bills which were passed by both Chambers of the Indian Legislature during the Delhi Session, 1935, have been assented to by His Excellency the Governor General under the provisions of sub-section (1) of section 68 of the Government of India Act :

- (1) The Indian Naturalization (Amendment) Act, 1935.
- (2) The Indian Tariff (Amendment) Act, 1935,
- (3) The Indian Tea Cess (Amendment) Act, 1935.
- (4) The Salt Additional Import Duty (Extending) Act, 1935,
and
- (5) The Indian Mines (Amendment) Act, 1935.

PANEL OF CHAIRMEN.

Mr. President (The Honourable Sir Abdur Rahim) : I have to inform the House that under rule 3 (1) of the Indian Legislative Rules, I nominate Pandit Govind Ballabh Pant, Mr. Abdul Matin Chaudhury, Mr. G. Morgan and Mr. M. S. Aney on the Panel of Chairmen for the current Session

COMMITTEE ON PETITIONS.

Mr. President (The Honourable Sir Abdur Rahim) : I have to announce that under Standing Order 80 (1) of the Legislative Assembly Standing Orders the following Honourable Members will form the Committee on Petitions :

- (1) Pandit Govind Ballabh Pant,
- (2) Syed Ghulam Bhik Nairang,
- (3) Dr F. X. DeSouza, and
- (4) Mr. Lalchand Navalrai.

According to the provision of the same Standing Order the Deputy President will be the Chairman of the Committee.

AGREEMENT BETWEEN THE RESERVE BANK OF INDIA AND THE IMPERIAL BANK OF INDIA.

The Honourable Sir James Grigg (Finance Member) : Sir, I lay on the table a copy of the Agreement between the Reserve Bank of India and the Imperial Bank of India.

An Agreement made the fifth day of April 1935, between the Reserve Bank of India (hereinafter called the "the Reserve Bank") of the one part and the Imperial Bank of India (hereinafter called "the Imperial Bank") of the other part WHEREAS the Imperial Bank was constituted and incorporated by the Imperial Bank of India Act, 1920 (being Act No XLVII of 1920) and WHEREAS the Reserve Bank was constituted and incorporated and is regulated by the Reserve Bank of India Act, 1934 (being Act No. II of 1934) hereinafter called "the Act" and WHEREAS by section 45 of the Act it is *inter alia* provided that the Reserve Bank should enter into an agreement with the Imperial Bank which should be subject to the approval of the Governor General in Council and should be expressed to come into force on the date on which Chapter III of the Act should come into force and should remain in force for 15 years and thereafter until terminated after 5 years' notice on either side and should further contain the provisions set forth in the Third Schedule to the Act subject nevertheless to the proviso that the agreement should be conditional on the maintenance of a sound financial position by the Imperial Bank, and that if, in the opinion of the Central Board of the Reserve Bank, the Imperial Bank failed either to fulfil the conditions of the agreement or to maintain a sound financial position, the said Central Board should make a recommendation to the Governor General in Council and the Governor General in Council after making such further enquiries as he thought fit might issue instructions to the Imperial Bank with reference either to the agreement or to any matter which in his opinion involved the security of the Government monies or the assets of the Issue Department of the Reserve Bank in the custody of the Imperial Bank and in the event of the Imperial Bank disregarding such instructions might declare the agreement to be terminated and WHEREAS the agreement contemplated by the Act is the agreement hereinafter set out to which the Governor General in Council has already expressed his approval

NOW IT IS HEREBY MUTUALLY AGREED AND DECLARED by and between the parties hereto as follows, that is to say :—

1 This agreement shall be deemed to have come into force on the 1st day of April 1935 being the day on which the Governor General in Council by notification in the Gazette of India appointed that Chapter III of the Act should come into force and this agreement shall remain in force for the term of twenty years from the aforesaid day and thereafter unless and until determined as hereinafter provided.

2. The Reserve Bank shall during the subsistence of this agreement employ the Imperial Bank as its sole agent at every place in British India where there is a branch of the Imperial Bank which was in existence at the date on which this agreement comes into force and where there is no branch of the Banking Department of the Reserve Bank

3 The general banking business of the Governor General in Council which may be entrusted by the Reserve Bank to the Imperial Bank as sole agent of the Reserve Bank as aforesaid shall be managed by the Imperial Bank subject to the provisions of this agreement and with and to such orders and directions as may from time to time be given to the Imperial Bank by the Reserve Bank and for this purpose all such accounts shall be maintained by the Imperial Bank as shall be necessary or convenient or as the Reserve Bank shall from time to time direct :

Provided however that in conducting such business the responsibility of the Imperial Bank shall be solely to the Reserve Bank and shall be that of a Banker to an ordinary customer.

4 The Reserve Bank shall not maintain a balance with the Imperial Bank for the management of the accounts of the Governor General in Council, but all sums due to or from the Governor General in Council in the management of the aforesaid accounts shall be adjusted by the Imperial Bank by book transfer with the balances

[Sir James Grigg.]

which it holds with the Reserve Bank at such place or places at which there is a branch of the Banking Department of the Reserve Bank and in such manner as may be agreed upon between the Reserve Bank and the Imperial Bank from time to time.

5. (a) In consideration of the performance at the place, and in the manner specified in this agreement by the Imperial Bank on behalf of the Reserve Bank of the functions which the Imperial Bank was performing on behalf of the Governor General in Council before the coming into force of this agreement with the exception of functions relating to the management of the public debt, the Reserve Bank shall pay to the Imperial Bank as remuneration a sum which shall be for the first ten years during which this agreement is in force a commission calculated at one-sixteenth of one per cent on the first 250 crores and one-thirty-second of one per cent on the remainder of the total of the receipts and disbursements dealt with annually on account of Government by the Imperial Bank on behalf of the Reserve Bank. At the close of the said ten years the remuneration to be paid by the Reserve Bank to the Imperial Bank for the performance of these functions shall be revised and the remuneration for the ensuing five years shall be determined on the basis of the actual cost to the Imperial Bank, as ascertained by expert accounting investigation, of performing the said functions. The remuneration so determined shall thereafter be subject to revision in like manner at the end of each period of five years so long as this agreement remains in force. The amount of the said remuneration shall be arrived at by discussion in advance between the Reserve Bank and the Imperial Bank so that the new arrangements may come into force at the beginning of each such period :

Provided that if any dispute arises between the Reserve Bank and the Imperial Bank as to the amount of the said remuneration, the matter shall be referred for final decision to the Governor General in Council who may for the purpose of arriving at such decision require from the Imperial Bank such information and may order such accounting investigation as he thinks fit.

(b) The Reserve Bank shall pay to the Imperial Bank for acting as agent in matters other than that for which the Imperial Bank is remunerated under clause 5 (a) such remuneration as shall be agreed between the parties from time to time and failing agreement as shall be determined by the Governor General in Council whose decision shall be final and binding on the parties.

6. The Imperial Bank shall maintain branches not less in number than those existing at the time this agreement comes into force and in consideration thereof the Reserve Bank shall until the expiry of 15 years from the coming into force of this agreement make to the Imperial Bank the following payments, namely

- (a) during the first five years of this agreement—nine lakhs of rupees per annum ;
- (b) during the next five years of the agreement—six lakhs of rupees per annum ; and
- (c) during the next five years of the agreement—four lakhs of rupees per annum.

7. The Imperial Bank shall not without the approval of the Reserve Bank open any branch in substitution for a branch existing at the time this agreement comes into force.

8. If the Imperial Bank so desires, the Reserve Bank shall maintain a chest of its Issue Department and a small coin depot at each branch of the Imperial Bank managing the Government account situated at a place in British India where there is no office of the Banking or Issue Department of the Reserve Bank, and at any local head office or other branch of the Imperial Bank in India if the two Banks so agree and the Imperial Bank shall provide sufficient accommodation for such chests and small coin depots as may be required for the deposit of notes or coin. The Reserve Bank shall supply the said chests and depots with the necessary currency whether notes or coin, and the Imperial Bank shall, subject to any general or special directions received from the Reserve Bank in that behalf, exchange notes for coin

and coin for notes and make deposits and withdrawal of notes and coin at such chests and depots and shall supply the Reserve Bank with such information as it may from time to time require as to the transactions at such chests and depots and the composition of the balances held thereat. The Imperial Bank shall be responsible for the safe custody in its strong rooms of the said chests and depots and their contents and the responsibility of the Imperial Bank in respect of the said chests and depots and their contents shall be that of a bailee as prescribed by section 151 of the Indian Contract Act (Act IX of 1872). The Imperial Bank shall allow the Reserve Bank to have access to the said chests and depots at all reasonable times for the purpose of inspecting the contents and the arrangements made for their safe custody. The Imperial Bank shall also be responsible for the examination and correctness of coin or notes at the time of deposit in or withdrawal of the same from the said chests or depots.

9. The Imperial Bank shall be at liberty for the purpose of the transfer of its funds from any of its local head offices or branches in India to any other or such offices or branches to make payments into and withdrawals from its account with any office or branch of the Banking Department of the Reserve Bank or any office or chest of the Issue Department of the Reserve Bank or any small coin depot in its custody free of charge.

10. The Imperial Bank shall give to all banks included in the Second Schedule of the Act such facilities for remittances as may be prescribed from time to time by the Reserve Bank and shall also as far as practicable give the public every facility for the transfer of money at rates not exceeding such rates as the Reserve Bank may by special or general direction approve.

11. The Imperial Bank shall not be at liberty to close any of its offices or branches at which it performs agency functions for the Reserve Bank except on Sundays and on public holidays as defined by the explanation to section 25 of the Negotiable Instruments Act (Act XXVI of 1881).

12. The Imperial Bank shall forthwith supply the Reserve Bank with any information which it may by special or general direction from time to time require, regarding the security of the Government monies or the assets of the Issue Department in the custody of the Imperial Bank and the Reserve Bank shall be entitled to issue instructions to the Imperial Bank in respect of any matter which in its opinion vitally affects either of these matters provided that nothing in this clause shall operate to affect the obligations in regard to the supply of information imposed on the Imperial Bank as a Scheduled Bank under section 42 of the Act and the regulations framed under section 58 (2) (c) of the Act.

13. If in the opinion of the Reserve Bank the Imperial Bank has failed either to fulfil the conditions of this agreement or to maintain a sound financial position or has wilfully disregarded or failed to comply with the provisions of clause 12 of this agreement, the Reserve Bank shall be entitled to make a recommendation to the Governor General in Council and the Governor General in Council after making such further enquiry as he thinks fit may issue instructions to the Imperial Bank with reference either to this agreement or to any matter which in his opinion involves the security of the Government monies or the assets of the Issue Department of the Reserve Bank in the custody of the Imperial Bank and in the event of the Imperial Bank disregarding such instructions may by notification in the Gazette of India declare this agreement to be terminated and on such notification being issued this agreement shall forthwith be determined accordingly but without prejudice to any rights acquired or liabilities incurred by either party prior to such determination.

14. This agreement may be determined at or at any time after the expiration of the said term of twenty years by notice in writing given in manner hereinafter mentioned, that is to say, that if on or after the expiration of fifteen years from the date on which this agreement comes into force either of the parties hereto shall give to the other party a notice in writing expressing its desire to determine this agreement such notice if given by the Reserve Bank to be addressed to and served upon the Managing Director of the Imperial Bank and if given by the Imperial Bank to be addressed to and served upon the Governor of the Reserve Bank, this agreement shall immediately upon the expiration of five years from the day of such service absolutely cease and determine save as to rights or liabilities acquired or incurred prior to such termination.

[Sir James Grigg.]

IN WITNESS whereof the Common Seals of the Reserve Bank of India and the Imperial Bank of India have been hereunto affixed in the presence of their respective subscribing officials the day and year first above written.

The Common Seal of the Reserve Bank of India was hereunto affixed pursuant to a resolution of its Central Board in the presence of Sir Osborne Arkell Smith, K.C.I.E., the Governor and Sir Edward Charles Benthall, Kt., and Sir Badridas Goenka, Kt., C.I.E., two of the Directors of the Reserve Bank of India who in token of their presence have hereupon signed their names.



(Sd.) OSBORNE A. SMITH,
Governor.

(Sd.) BADRIDAS GOENKA,
E. C. BENTHALL.
Directors.

The Common Seal of the Imperial Bank of India was hereunto affixed in the presence of William Lamond, the Managing Director and Evelyn James Bunbury and Harry Harrison Burn, two of the Directors of the Imperial Bank of India who in token of their presence have hereupon signed their names



(Sd.) W. LAMOND,
Managing Director.

(Sd.) E. J. BUNBURY,
H. H. BURN,
Directors

AGREEMENT BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL AND THE RESERVE BANK OF INDIA.

The Honourable Sir James Grigg (Finance Member) : Sir, I lay on the table a copy of the Agreement between the Secretary of State for India in Council and the Reserve Bank of India.

AN AGREEMENT made this fifth day of April 1935, BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL acting by and through THE GOVERNOR GENERAL IN COUNCIL (hereinafter called "the Secretary of State") of the one part and THE RESERVE BANK OF INDIA (hereinafter called "the Bank") of the other part WHEREAS the Bank was constituted and incorporated and is regulated by the Reserve Bank of India Act, 1934 (being Act No. II of 1934) (hereinafter called "the Act") with and subject to the various powers, provisions and restrictions in and by the Act set forth and it was thereby *inter alia* particularly provided as follows, *viz.*,

- (1) by section 20 of the Act that the Bank should undertake to accept monies for account of the Governor General in Council and to make payments up to the amount standing to the credit of his account and to carry out his exchange, remittance and other banking operations including the management of the public debt, and

(2) by section 21 (1) of the Act that the Governor General in Council should entrust the Bank on such conditions as might be agreed upon with all his money, remittance, exchange and banking transactions in India and in particular should deposit free of interest all his cash balances with the Bank provided that nothing in that sub-section should prevent the Governor General in Council from carrying on money transactions at places where the Bank has no branches or agencies and that the Governor General in Council might hold at such places such balances as he may require, and

(3) by section 21 (2) of the Act that the Governor General in Council should entrust the Bank on such conditions as might be agreed upon with the management of the public debt and with the issue of any new loans.

NOW IT IS HEREBY MUTUALLY AGREED AND DECLARED by and between the said parties hereto as follows, that is to say :—

1 This agreement shall come into force on the execution of these presents.

2 The general banking business of the Governor General in Council (in which business is included the payment, receipt, collection and remittance of money on behalf of the Governor General in Council and of such Local Governments as may not have the custody and management of their own provincial revenues) shall be carried on and transacted by the Bank in accordance with and subject to the provisions of this agreement and of the Act and with and to such orders and directions as may from time to time be given to the Bank by the Governor General in Council through any Government officer or officers authorised by him in that behalf and at any of the offices, branches or agencies of the Bank for the time being in existence as may from time to time be so directed and for this purpose such accounts shall be kept in the books of the Bank and at such offices, branches or agencies of the Bank as shall be necessary or convenient or as the Governor General in Council shall from time to time direct in the manner aforesaid.

3. The Secretary of State shall employ the Bank as the sole Banker in India of the Governor General in Council who shall deposit or cause to be deposited with the Bank or allow the Bank to receive and hold as banker the whole of his cash balances at any places at which for the time being the Bank shall have an office, branch or agency and the Bank shall subject to such orders as may from time to time be given by the Governor General in Council in the manner aforesaid receive and hold for the Governor General in Council all such monies as may be or become payable to him or on his account and the Bank shall transact at its offices, branches and agencies for the time being existing respectively all such business for the Governor General in Council regarding the receipt, collection, payment and remittance of money and other matters, as is usually transacted by bankers for their customers. The Bank shall make the said monies at the said offices, branches and agencies available for transfer to such places and at such times as the Governor General in Council may direct. No interest shall be payable to the Governor General in Council on any of the monies for the time being held by the Bank.

4. The management of the public debt and the issue of new loans by the Governor General in Council and the performance of all the duties relating thereto respectively including the collection and payment of interest and principal and the consolidation, division, conversion, cancellation and renewal of securities of the Governor General in Council and the keeping of all registers, books and accounts and the conduct of all correspondence incidental thereto shall be transacted by the Bank at its offices in Bombay, Calcutta and Madras and at any of its offices, branches or agencies at which respectively the administration of any portion or portions of the public debt is for the time being conducted or interest thereon is for the time being payable and the Bank shall also keep and maintain such registers, books and accounts in respect of the said public debt as the Governor General in Council may from time to time direct and shall audit all payments of such interest and act generally as agents in India for the Secretary of State and for the Governor General in Council in the management of the said public debt and shall conduct such agency subject to such orders and directions with regard to the general management thereof as may from time to time be given to the Bank by the Governor General in Council.

5 The Bank shall not be entitled to any remuneration for the conduct of the ordinary banking business of the Governor General in Council other than such advantage as may accrue to it from the holding of his cash balances free of obligation to pay interest thereon.

[Sir James Grigg.]

6. As remuneration to the Bank for the management of the public debt as aforesaid the Bank shall be entitled to charge to the Governor General in Council half-yearly a commission at the rate of Rs. 2,000 per crore per annum on the amount of the public debt as aforesaid at the close of the half-year for which the charge is made. In calculating this charge the following amounts shall be excluded from the amount of public debt, viz. :—

- (a) The amounts of loans discharged outstanding after one year from the date of a notice of discharge.
- (b) The amount of stock certificates for Rs. 50,000 and upwards held by the Governor General in Council or by a Local Government or by any officer or officers of the Government of India or of a Local Government authorised in that behalf.
- (c) The amount of the Government of India rupee securities held in the issue department of the Bank.
- (d) The amount of stock and notes outstanding in the London register.

And in addition to the charge of Rs. 2,000 per crore per annum the Bank shall be entitled to charge to the Governor General in Council a fixed sum of Rs. 2,000 a year on account of the stock certificates referred to in head (b) of this clause and the Bank shall be also entitled to charge the public (but not the Governor General in Council or a Local Government) all such fees and charges as are now or may hereafter from time to time be prescribed by the Governor General in Council under the powers conferred upon him by the Indian Securities Act, 1920 (Act No. X of 1920) for duplicate securities and for the renewal, consolidation, division or otherwise of all Government Securities which the Bank issues.

7. The Bank shall maintain currency chests of its issue department at such places as the Governor General in Council may prescribe and the Governor General in Council shall provide sufficient accommodation for such chests as may be required for the deposit of notes or coin and shall be responsible to the Bank for the safe custody of the said chests, notes and coin. The Bank shall keep the said chests supplied with sufficient notes and coin to provide currency for the transactions of the Governor General in Council and reasonable remittance facilities to the public at the said places. The Governor General in Council shall supply the Bank with such information and returns as the Bank may from time to time require as to the composition of the balances in the said chests and the amount and nature of the transfers to and from the said chests. The Bank shall have access to the said chests at all reasonable times for the purpose of inspecting and checking the contents. The Governor General in Council shall be responsible to the Bank for the examination and correctness of coin or notes at the time of deposit in or withdrawal from the said chests.

8. The Bank shall not be at liberty to close any of its offices or branches except on Sundays, New Year's Day, Christmas Day, Good Friday and on any other day declared to be a public holiday by any notification published in pursuance of the Negotiable Instruments Act (Act XXVI of 1881) subject nevertheless and notwithstanding the provisions of that Act to any special orders or directions which may be issued by the Governor General in Council and the Bank shall be responsible that no one of its agencies doing Government business for the time being existing shall be closed except on Sundays and on public holidays authorised by the Local Government within whose jurisdiction such agencies may be respectively situated.

9. The responsibility for all loss or damage to the Secretary of State and the Governor General in Council which may result from any act or negligence or omission of the Bank in conducting the business of the public debt aforesaid or the payment of interest or discharge value thereon or the renewal, conversion, consolidation, subdivision or cancellation of any Government security shall rest with and be borne by the Bank provided however that it shall not be incumbent on the Bank to verify signatures and endorsements on Government securities which *prima facie* appear to be in order and in the acceptance of which the Bank shall not be guilty of any negligence and in such cases no liability shall be incurred by the Bank in respect thereto PROVIDED ALSO that in regard to the ordinary banking business at the offices, branches and agencies of the Bank of receiving and realising money and securities for money on account of the Governor General in Council and paying cheques, orders, draft bills and other documents whether negotiable or not in the Bank's capacity of bankers for the Governor General in Council and whether such

AGREEMENT BETWEEN THE SECRETARY OF STATE FOR INDIA IN COUNCIL 135
AND THE RESERVE BANK OF INDIA.

business be done by the Bank or by agencies on its behalf the responsibility to the Secretary of State and the Governor General in Council shall be that of the Bank and such responsibility shall be that of a banker to an ordinary customer.

10. The Bank shall remit on account of the Governor General in Council between India and London such amounts as may be required by him from time to time at the market rate of the day for telegraphic transfers, subject to the proviso that if a large transfer has to be effected in connection with the flotation or repayment of a sterling loan or analogous operation, and if it is considered by either party to be inappropriate to apply the rate of a single day, an average rate based on a longer period may be fixed by agreement between the two parties.

11. This agreement may be determined by either party giving to the other party one year's notice in writing expiring on the 31st day of March in any year, such notice if given by or on behalf of the Secretary of State to be addressed to the Governor of the Bank and to be served by being left at the Head Office of the Bank and if given by the Bank to be served by leaving the same with or addressing the same by registered post to the Secretary to the Government of India in the Finance Department and immediately upon the expiration of such notice this agreement shall absolutely cease and determine save as to rights or liabilities acquired or incurred prior to such termination.

12. Nothing in this agreement shall operate to affect in any way the obligations imposed either on the Governor General in Council or on the Bank by or under the Act or any subsequent amendment or amendments of the Act.

13. The Bank shall be entitled to perform all or any of the matters contained in this agreement through such agency or agencies as may be prescribed by the Act or any amendment thereof or as may be approved by the Governor General in Council.

IN WITNESS WHEREOF

Secretary to the Government of India in the Finance Department by the order and direction of the Governor General in Council acting for and on behalf of the Secretary of State for India in Council has hereunto set his hand and the common seal of the Reserve Bank of India pursuant to a Resolution of its Central Board has been hereunto affixed in the presence of its subscribing officials the day and year first above written.

Signed by the said the Honourable Mr. Philip Cubitt Tallents, CSI, CIE, ICS, Secretary to the Government of India in the Finance Department for and on behalf of the Governor General of India in Council acting in the premises for and on behalf of the Secretary of State for India in Council in the presence of

(Sd.) P. C. TALLENTS,
*Secretary to the Govt. of
India, Finance Dept.*

(Sd.) H. S. STEPHENSON,

*Additional Under Secretary
to the Government of India.*

The Common Seal of the Reserve Bank of India was affixed hereto in the presence of Sir Edward Charles Benthall, Kt., and Sir Badridas Goenka, Kt., C.I.E., two of its Directors and Sir Osborne Arkell Smith, K.C.I.E., its Governor.

Common seal
of the
Reserve Bank
of India

(Sd.) E. C. BENTHALL,
BADRIDAS GOENKA,
Directors.

(Sd.) OSBORNE A. SMITH,
Governor.

STATEMENT (LAID ON THE TABLE) SHOWING THE OBJECTS
ON WHICH THE PETROL TAX FUND WAS EXPENDED
DURING 1934-35

The Honourable Mr. D. G. Mitchell (Member for Industries and Labour) : Sir, I lay on the table the statement promised in reply to part (b) of short notice question No 146 asked by the Honourable Mr. E. Miller in the Council of State on the 28th August, 1934, showing the objects on which the Petrol Tax Fund was expended during 1934-35.

Object.	Expenditure.
1. Installation of an Illuminated Wind Indicator at the Karachi Air Port	2,768
2. Extra Expenditure in connection with the installation of a fixed floodlight at the Karachi Air Port	785
3. Experimental consolidation of ground at the Civil landing ground at Bassein	613
4. Purchase of an accelerometer for carrying out research in atmospheric turbulence.	777
5. Financial assistance and Scholarships to Indians for training in England in Civil Aviation	*16,000
Total ..	20,943

ELECTION OF A MEMBER TO SERVE ON THE STANDING COMMITTEE FOR ROADS.

The Honourable Mr. D. G. Mitchell (Member for Industries and Labour) : Sir, I move :

“ That this Assembly do proceed to the election, in such manner as may be approved by the Honourable the President, of a member to serve on the Standing Committee for Roads, in place of the late Mr. Fakir Chand, during the remaining months of the financial year 1935-36.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That this Assembly do proceed to the election, in such manner as may be approved by the Honourable the President, of a member to serve on the Standing Committee for Roads, in place of the late Mr. Fakir Chand, during the remaining months of the financial year 1935-36.”

The motion was adopted.

* This is the revised estimate ; actual expenditure is not yet known.

ELECTION OF ONE MUSLIM MEMBER TO SIT ON THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I move :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one Muslim Member to sit on the Standing Committee on Pilgrimage to the Hejaz, *vice* Mr. Ahmed Ebrahim Haroon Jaffer whose election to the Assembly has been declared void.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one Muslim Member to sit on the Standing Committee on Pilgrimage to the Hejaz, *vice* Mr. Ahmed Ebrahim Haroon Jaffer whose election to the Assembly has been declared void.”

The motion was adopted

ELECTION OF TWO MEMBERS FOR THE CENTRAL ADVISORY BOARD OF EDUCATION.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I move :

“ That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, two persons from among their own numbers to be members of the Central Advisory Board of Education constituted by the Government of India.”

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, two persons from among their own numbers to be members of the Central Advisory Board of Education constituted by the Government of India ”

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, as experience grows on me about the fabrications and labyrinths of the Government of India, I feel more and more impressed that the Department of Education, Health and Lands happens to be the dustbin of the Government of India (Hear, hear) Only the other day, I found my Honourable friend, Mr. Clow, a great authority on labour, arguing in the role of the head of the Ecclesiastical Department, and I called him Bishop Clow in the Public Accounts Committee

Mr. President (The Honourable Sir Abdur Rahim) : Is the Honourable Member objecting to this motion ?

Mr. B. Das. What I submit, Sir, is that this is a new proposal, and, as I proceed with my speech, I shall bring to the notice of the Government as to how they are trying to revive an old measure, and then I will leave it to the House and to you, Sir, whether the Government of India are justified in bringing forward this motion and in reviving a thing which was dead as long ago as 1922 or 1921. I would have preferred my Honourable friend, Sir Girja Shankar Bajpai, being Bishop Bajpai and being placed in charge of the Ecclesiastical Department which my Honourable friend, Sir Muhammad Zafarullah Khan, has disowned

The genesis of this Central Advisory Board of Education is in a Resolution of the Department of Education, Health and Lands, where—to be fair to the Department—they have stated their case. What did the Government of India Act of

1 P.M.

[Mr. B. Das.]

1919 bring about ? It brought decentralization and gave the provinces full authority in the matter of education. The Government of India had and still have an Educational Commissioner. They want to give some work to that excellent officer on list of no work. The Incheape Committee came in 1925 and strongly recommended that the post of Educational Commissioner should be abolished ; and I must give credit to my Honourable friend, Sir Girja Shankar Bajpai, that he has mentioned that fact in this Resolution that it was the Incheape Committee that recommended the abolition of the post of Educational Commissioner. Now, Sir, my friend, . .

Sir Girja Shankar Bajpai : Sir, I wish to correct my Honourable friend. I have nowhere stated in this Resolution that the Incheape Committee recommended the abolition of the post of Educational Commissioner.

Mr. B. Das : It is said here in this Resolution :

“ But, as a result of the recommendations of the Indian Retrenchment Committee, which was presided over by Lord Incheape, they were abolished in 1923 in the interest of economy.”

Sir Girja Shankar Bajpai : That was the Advisory Board that was abolished, and not the Educational Commissioner.

Mr. B. Das : I stand corrected. Then, the other part of the story my friend, Sir Girja Shankar Bajpai, has not cared to mention in his Resolution. One of the recommendations was that the Educational Commissioner's post should be abolished. And, Sir, in the old days, older Members like myself exercised pressure on Government to abolish that post. But Government, in their self-denying mood, must nourish and foster old antiquated jobs under them ; and, so, in the year 1935, when, according to the Government, the country is supposed to envisage a new Constitution, they revive something that was dead so far as we are concerned.

Mr. President (The Honourable Sir Abdur Rahim) : But this motion is only for filling up two places in the Committee.

Mr. B. Das : No, Sir ; this Committee has not functioned for the last 15 years. The moment the House appoints these two persons they will authorise the Educational Commissioner with the Government of India to be the Chairman of the Central Advisory Board and they will authorise also, according to this Resolution, the appointment of a Secretary to the Board which will be a new post to be created. I do not know if my Honourable friend, Sir James Grigg, has sanctioned money for these idle deliberations of the Department of Education, Health and Lands.

The Honourable Sir James Grigg (Finance Member) : I do not agree that they are idle.

Mr. B. Das : Thank you ! I am glad I have a valued friend on the other side ! So, Sir, why this hurry ! If the Government of India want to create a Central Education Board, they ought to have waited till that Federal Assembly, that they are dreaming of in three or four years' time, came in, and then brought forward this proposal. I have read cursorily the J. P. C. Report and the Government of India Act, and I have never seen that anywhere such power has been given to the new Education Minister, whoever he might be, under the Government of India. Sir, I

would point out that the Government of India should pause at this moment and not create further jobs like the Education Commissioner's post which was recommended by the Inchcape Committee to be abolished and create an Education Board to co-ordinate the educational movement in India. As I understand the system of education in India, as soon as provincial autonomy comes in, the provinces will try to evolve their system of education in their own way. Why should there be any control by the Education Department or the Education Minister who may be here in the Federal Assembly and why should there be any dictation as to the system of education they will give in particular provinces? The provinces must build up their own systems of education.

Sir, one particular line which this Resolution contains is this :

“ The intention is that the Board should be a live organism.”

I know the activities of the Department of Education Health and Lands, and how it is a *live organism* in the Government of India ! The treatment that Indians are receiving in South Africa, Kenya, Tanganyika and Zanzibar shows how lively the Department of Education, Health and Lands is ! In creating this live organism today, I do not know whether it will be a live organism or a *dead tissue*. There are many eminent doctors here who will say whether it will be a dead tissue of the Department of Education, Health and Lands. I would strongly ask the Government of India to reconsider at this late hour this new mad scheme of theirs and allow the provinces to develop their own system of education without being controlled by the Government of India.

Prof N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) :

Sir, it is rather surprising that this particular motion should be made in this House without, first of all, giving an opportunity to this House to say whether we really are anxious to have a Central Advisory Board of Education at all. This is, to put it shortly, short-circuiting the debates as well as the intentions of this House. To quietly bring it here as a matter of election of two members, and, then, merely because the House elects these two members, to come forward again for a grant for the maintenance of this particular Board, is really not a fair way of dealing with this House. Then, again, if you look to the constitution of this particular Board, you will find that only certain unimportant interests are to be represented on this, and, really, the most vital interests, commercial, industrial and agricultural, are not to have any place at all on this particular Board. I do not know how this Board can be expected to benefit these interests, especially when their representatives are not put on it at all. If only Sir Fazli Hussain had been in charge of this particular Department now, I am quite sure, he would have certainly thought many times before he committed this particular blunder. I have drawn the attention of Government again and again during the last Session to the absolute necessity of seeing that the representation of agricultural classes and peasants as well as the commercial interests is provided for on the constitution of this Board when it came to be constituted ; and I was then given an assurance by Sir Girja Shankar Bajpai that certainly the Government of India would take every possible opportunity of trying to give representation for as many interests as possible. And yet I do not know why agricultural interests are not given any place at all.

Mr. President (The Honourable Sir Abdur Rahim) : The motion is for the filling up of two places on the Committee. Even supposing the motion is not carried, the only result will be that the Central Advisory Board will be without two members.

Prof. N. G. Ranga : The motion is for the acceptance of this particular Resolution that has been circulated to us and also the election of two persons to the Central Advisory Board of Education.

Then, again, coming to the functions of this particular Board, I find that it is.....

Mr. President (The Honourable Sir Abdur Rahim) : The Chair really cannot allow the policy to be discussed on this motion, because, even, if the motion is lost, the Central Advisory Board, the Chair takes it will function without two members.

Prof. N. G. Ranga : The necessity for the establishment of the Central Advisory Board has not been placed till now before this House for discussion.

Mr. President (The Honourable Sir Abdur Rahim) : That is not in question.

Sir Girja Shankar Bajpai : May I just mention one fact for the information, both of Mr. B. Das and my Honourable friend, Mr. Ranga ? Both of them have been saying that Government are anticipating in some way the decision of the Standing Finance Committee and the decision of the Assembly. As a matter of fact, this proposal for creating a Central Advisory Board was put before the Standing Finance Committee in January, 1935, and funds have been actually voted by the Assembly as part of the annual budget for 1935-36

Mr. President (The Honourable Sir Abdur Rahim) : The Chair will not allow the discussion to proceed beyond the limits of the motion.

Prof. N. G. Ranga : All right, Sir. In view of the fact that this Central Advisory Board for Education has to deal with questions concerning the agricultural classes and also commercial interests, I think it is really wrong on the part of the Government of India not to have thought of providing any representation for these classes on this Board. I also find that out of this number—15—only two are to be elected by this House. It is this House which has to provide funds for this Board, and we know what will be the effect of electing only two members, because we have had the experience of the Imperial Council of Agricultural Research : this House is expected to elect only two members there, and we have found that we do not have a sufficient say in its counsels and we do not have sufficient control over its affairs. I, therefore, suggest that the representation of this House should, first of all, be increased—should at least be trebled if not quadrupled—and that the interests of the peasants and agricultural classes and also commercial interests should be given representation on this Board and those classes should also give their advice, so that this Board can function properly in their interests

Dr. Ziauddin Ahmad (United Provinces Southern Divisions : Muhammadan Rural) : Sir, I was rather surprised at the speech of Mr. B. Das who claimed to be one of the oldest Members of the Assembly. May I remind him that on the 16th February, 1932, we demanded of the Government of India to set up this Advisory Board, and Sir Frank Noyce, on

behalf of the Government of India, gave us an assurance that it would be established at no distant date? The year 1932 passed, and this Advisory Board was not there; and the plea of financial stringency was brought forward at the time of the next budget. We again demanded it in 1933 in series of questions—in 1934, I again raised this question; when the Demand for Grant came up for voting, I again raised the issue that we would not agree to vote for ordinary expenditure unless this Advisory Board was agreed to by the Government of India. Now, this year, the Standing Finance Committee and the Legislative Assembly both agreed to set up this Advisory Board. The only objection that I have is that they have taken three years to establish this Board which ought to have been established in the year 1932. As regards the constitution of the Board, I do not think my friend will have any objection that the Assembly should be represented on the Board. As regards the general constitution of the Board, I have myself some difficulties, but that can be raised either in the shape of questions or in the form of Resolutions. As far as the present issue is concerned, I think we should support that the Assembly should have representation on the Advisory Board.

Sir Girja Shankar Bajpai : Sir, I do not think I need detain the House very long—there are just one or two points which I should like to deal with. My Honourable friend, Mr. B. Das, evidently wants this organisation to be dead before it is born. I am quite confident that no section of this House, which is in favour of this organisation being set up, will approve of that particular suggestion. He further seemed to suspect some Machiavellian move on the part of the Government of India to restrict the powers of autonomy which already vest in the provinces. I fear he could not have studied the Resolution which I took the precaution of placing on the tables of Honourable Members this morning, because the Resolution definitely says .

“ While recognising its title—(*that is, the title of the Board*)—to such legitimate latitude, it is necessary to emphasise that its recommendations will be entirely advisory and will not be binding on provincial Governments and authorities.”

That should dispose of the bogey which my Honourable friend has raised of some subtle move on the part of the Government of India to restrict the liberties of the provinces. Then, my Honourable friend, Mr. Ranga, complained that there was no representation of agricultural, commercial and industrial classes on the proposed Board. I am sure, from his experience he must know that the more unwieldy a board is, the less usefully does it function. This is primarily an educational board . we want educationists on it and we have a predominance of educationists provided for in the constitution. Then, there are in this House gentlemen not professionally connected with education who have taken an interest in educational problems : we provide for their representation on the Board ; but if my Honourable friend will read the Resolution carefully, he will find that in paragraph 4 we have specified the *modus operandi* as regards the study of particular problems by *ad hoc* committees. If a problem of agricultural or commercial education or industrial education comes up before the Board and is considered to be worthy of study or investigation, that is the method by which it will be tackled.

[Sir Girja Shankar Bajpai.]

That is all I have to say, and I hope that the House, which has in the past repeatedly expressed a desire that this Advisory Body should be set up, will give support to the motion which I have moved.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Members of this Assembly do proceed to elect, in such manner as may be approved by the Honourable the President, two persons from among their own numbers to be members of the Central Advisory Board of Education constituted by the Government of India ”

The motion was adopted.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

ELECTION OF A MEMBER TO SIT ON THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH AND ITS GOVERNING BODY.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one member to sit on the Imperial Council of Agricultural Research and its Governing Body, *vice* Maulvi Muhammad Shafi Daudi, whose seat in the Legislative Assembly has been declared vacant by the Governor General in Council.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one member to sit on the Imperial Council of Agricultural Research and its Governing Body, *vice* Maulvi Muhammad Shafi Daudi, whose seat in the Legislative Assembly has been declared vacant by the Governor General in Council.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : I have to inform Honourable Members that for the purpose of election of members to the Standing Committee for Roads, the Standing Committee on Pilgrimage to the Hedjaz, the Central Advisory Board of Education and the Imperial Council of Agricultural Research and its Governing Body the following dates have been fixed for receiving nominations and holding elections, if necessary, namely :

	Nominations.	Election.
(1) Standing Committee for Roads	4th September, 1935	6th September, 1935.
(2) Standing Committee on Pilgrimage to the Hedjaz	.. 4th September, 1935	6th September, 1935.
(3) Central Advisory Board of Education	5th September, 1935	10th September, 1935.
(4) Imperial Council of Agricultural Research and its governing body.	5th September, 1935	10th September, 1935.

The nominations for all the Committees will be received in the Notice Office upto 12 Noon on each day appointed for the purpose, while the elections which will be conducted in accordance with the principle of proportional representation by means of the single transferable vote, will, as usual, be held in the Secretary's Room in the Assembly Building between the hours of 10-30 A.M. and 1 P.M.

THE PAYMENT OF WAGES BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Mr D. G. Mitchell (Member for Industries and Labour) : Sir, I present the report of the Select Committee on the Bill to regulate the payment of wages to certain classes of persons employed in industry

THE CRIMINAL LAW AMENDMENT BILL

The Honourable Sir Henry Craik (Home Member) . Sir, at this the first stage of what I fear is likely to be a protracted—and possibly a hotly contentious—discussion, I do not propose to say anything that is contentious or argumentative, as I don't think it would be in accordance with the spirit of Standing Order 37 to do so. The Statement of Objects and Reasons attached to this Bill is, I venture to think, a sufficiently full explanation of its provisions except possibly on two points where the Statement of Objects and Reasons might have been a little fuller. The first of these is in regard to sub-clause (2) of clause 2 of the new Bill which repeals sub-section (3) of section 1 of the existing Act. The effect of that is to make those provisions of the existing Act, which we intend to retain, permanent and not merely temporary. We should perhaps have inserted in the Statement of Objects and Reasons very briefly our reasons for taking that course. They are, that it is, in our opinion, impossible to foresee within any reasonable time the cessation of the terrorist movement or of communal unrest, against both of which the provisions of this Bill are intended as a safeguard ; nor it is possible for us to say definitely that there is no chance within the next few years of a revival of the Civil Disobedience Movement, possibly in another form.

There is one other point, a less important point, in regard to which the Statement of Objects and Reasons might perhaps have been fuller, that is with regard to the retention of section 5 of the existing Act, the section which penalises the publication of a proscribed document. We are retaining that section, because in this respect the permanent law of the land as embodied in the Code of Criminal Procedure is obviously defective. Government have the power to proscribe a document, but it is not a penal offence to re-publish a document or any part of it that has been proscribed. Without such provision proscription is of course a comparatively valueless weapon.

That, Sir, is all I have to say. It is my earnest hope that in the further discussions on this Bill we shall be able to differ, if we have to differ, and I have no doubt we shall have to, without bitterness. I can assure the House that we on our side will do our best to keep any bitter feeling out of the discussion. Sir, I beg to move for leave to introduce a Bill to amend the Criminal Law.

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That leave be granted to introduce a Bill to amend the Criminal Law.”

Mr. S. Satyamurti (Madras City, Non-Muhammadian Urban) : Sir, on a point of order, or what I should call the privilege of the House, I should like to call your attention to a statement in the *Statesman* of today, purporting to have gone from Simla yesterday, dated the 1st September, in which the provisions of the new Criminal Law Amendment Bill, which the Honourable the Home Member has now asked leave of the House to introduce, are reproduced exactly as they appear in the Bill, which has been placed on the table this morning. I will read those paragraphs :

“ The new Criminal Law Amendment Bill differs from the existing one (which was passed in 1932 and expires next December) in that certain sections have been dropped and in that it will be permanent instead of having a limited duration. Altogether five sections will be dropped—section 2, which makes it an offence to dissuade people from joining the Army, Navy or Police Force, section 3, which makes it an offence to tamper with public servants, sections 4 and 6, which make it an offence to boycott public services and to publish or circulate false statements or rumours, and section 8, which makes fines inflicted on young persons recoverable from their parents or guardians. Apart from these five sections, the Act will be presented for permanent renewal substantially unaltered.”

Then follow a number of sentences, with which I will not trouble the House, because it is merely propaganda for this Bill. Again, it ends up by saying that there is much more of press freedom in this country than in any other country. We are not concerned with that now. That is a matter of comment.

The point to which I want to draw your attention is particularly this, that this is a gross abuse of the privileges of this House. A Bill which has been kept back from us all these days, and the contents of which we saw for the first time this morning and which my Honourable friend, the Home Member, now wants the leave of the House to introduce has already appeared in a paper, on the basis of a message sent at least twenty-four hours before this morning. I do not know if it is a mere journalistic scoop ; if that is so, I have no fault to find. If there are enterprising journalists who can divine without any help from the department concerned the main provisions of the Bill, that is another matter. But I think you will enquire of the department concerned whether there was any conference or any communication of the contents of this Bill formally or informally to certain correspondents of newspapers, and, if so, whether any discrimination, racial or otherwise, was made in the choice of the papers to whom the contents of this Bill were communicated. You have laid down, Mr. President, last Session, that even questions or Resolutions should not be sent to the press, before they are admitted by you. We have tried to respect that convention, as one of the privileges of this House, and I do suggest that the first stage of asking for leave to introduce a Bill becomes almost a farce, if the contents of the Bill are to be published in advance, and that too, in one section of the press. As for a journalistic scoop, you know as well as I do, that there are enterprising journalists here belonging to all kinds of press and they would all have done it ; but the significant fact is that the *Statesman* alone contained this information, and I do suggest that it is a matter worth enquiring into, whether this information was obtained by the journalist concerned without any kind of help from the Government, or whether the Government communicated

the contents of this Bill to the Editor or representative of the *Statesman* in Simla, and, if it is so, whether it does not constitute a breach of the privileges of this House. It is not right that the means of communication to the public and to the House, which is this platform and nothing else, should be overshadowed by pre-publication not to the press as a whole, but to one section of the press alone.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has quoted the analogy of questions and Resolutions. But those have to be admitted by the President before they can be brought up before this House. There is no question of admitting a Bill.

Mr. S. Satyamurti : But there is this point, the House has got to give leave ; it may refuse to give leave to introduce the Bill.

Mr. President (The Honourable Sir Abdur Rahim) . That is another matter. Before any Resolution or question is admitted, nobody can introduce that business into this House.

Mr. S. Satyamurti : If, at this stage, leave is refused by this House for the introduction of my Honourable friend's Bill, the Bill dies unwept, unhonoured, and unsung.

Mr. President (The Honourable Sir Abdur Rahim) : But are not Government entitled to ascertain beforehand public opinion,—what the attitude of the public is likely to be ?

Mr. S. Satyamurti : I submit, the only constitutional and legal forum in which they can ascertain public opinion is this House so far as Bills are concerned, unless there is a motion to circulate which is moved in this House and is passed, in which case Government circulates to all relevant people, public bodies, or associations or individuals.

Mr. President (The Honourable Sir Abdur Rahim) : Government may want to find out what the public opinion is as regards any measure.

Mr. S. Satyamurti : In that case, they will not ask for leave to introduce till that public opinion is obtained. They will say, we propose to legislate on the following lines and we would like to know what public bodies think. Having obtained that opinion, they will then put it in the form of a Bill. I can see, Mr. President, what is in your mind. If the Government do not make up their mind finally to ask for leave to introduce a Bill and it is in a nebulous state, I can perfectly understand their publishing proposals, not in a legislative form, but in a series of propositions, any saying, we propose to legislate on these lines, and they can publish them, by the various means open to them, such as in the Gazette or elsewhere, and then invite public opinion. In this case, my submission is they have not submitted it to public opinion impartially.

Mr. President (The Honourable Sir Abdur Rahim) : That is another matter.

Mr. S. Satyamurti : My submission is, it is not a case of sounding public opinion before making up their mind to introduce this Bill. In this case, they have made up their mind to introduce the Bill, they have drafted the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : But are they not entitled, until the very last moment before introduction, to know what is the public opinion and derive assistance in a matter like this ?

Mr. S. Satyamurti : If the suggestion is that between 4 P.M. yesterday when this message was sent, and 11 A.M. this morning, they intended to consult public opinion in this huge country, and to receive public opinion and then change their mind, it would simply be ludicrous. You will notice that the agenda that was sent to us for today is dated the 30th August. That agenda contains an item, "The Honourable Sir Henry Craik to move for leave to introduce a Bill to amend the Criminal Law".

Mr. President (The Honourable Sir Abdur Rahim) : But they could alter it any time.

Mr. S. Satyamurti : But they have given no notice of any alteration, till this morning. My suggestion is that this was not a case of publication for public opinion at all. It was a case of giving news, according to some people, to one particular favoured paper, or if that is denied, it is a journalistic scoop which I hardly believe.

Mr. President (The Honourable Sir Abdur Rahim) : Has the Honourable Member got any authority in his favour ?

Mr. S. Satyamurti : It cannot happen in decent countries ; it can only happen in India, where we have got to legislate in a House which is peculiarly placed. We can get no help from the Mother of Parliaments, they would never do it.

Mr. President (The Honourable Sir Abdur Rahim) : Do they not carry on a lot of propaganda before they start a new measure ?

Mr. S. Satyamurti : They will do it much more decently, and not in this fashion. I know Government are carrying on propaganda, but this is not right. It is an insult to this House to give to one paper the actual contents. I think we are entitled to the co-operation of the press in this House and we can hardly hope to get it, if Government set an example of this kind. That I say is a matter of privilege of this House and I would like you to take suitable action in the matter.

The Honourable Sir Henry Craik : I submit that there is no question of privilege involved. Nothing that I have done is irregular or in any way out of accord with what is the ordinary and regular practice in Parliament in England. A few days ago, I had a conference with a certain number of pressmen, not the representative of one newspaper, but seven or eight pressmen, but I did not give any of them a copy of the Bill. I simply informed them what the intentions of the Government were and explained to them in general conversation what were broadly our reasons for the policy that we had decided to adopt. It was a friendly discussion. There were many questions asked of me, to which I replied to the best of my ability. That is, to my personal knowledge, the regular practice of Government Departments at home. When introducing legislation, they prepare the ground in the press.

An Honourable Member : All the press ?

The Honourable Sir Henry Craik : In the friendly press. The Congress press had many speculative articles as to what the contents of the Bill were, and all of them condemned the Bill in advance. Why should we not use the press that is friendly to us to secure a favourable reception for the Bill ?

Mr. S. Satyamurti : That is a confession.

The Honourable Sir Henry Craik : That is a perfectly legitimate practice, and, so long as I am in charge of this Department, I propose to continue the practice. There is no question of breach of privilege of any kind. If I had given to any of these gentlemen a copy of any confidential communication printed by the Legislative Assembly Office, then that might possibly have been a breach of privilege. I did no such thing. I had before me only my own copy of the Bill. I submit that my conduct was completely regular and was in no sense either a breach of privilege or any disrespect to this House.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair holds that there is no breach of privilege in this case, and, as the matter is absolutely clear, it is not necessary for the Chair to go any further into it.

The question is :

“ That leave be granted to introduce a Bill to amend the Criminal Law.”

The motion was adopted.

The Honourable Sir Henry Craik : Sir, I introduce the Bill

Mr. Sami Vencatachalam Chetty (Madras : Indian Commerce) : May I make a small request to you ? I request that Honourable Members of this House may be supplied with a copy of the original Act in order to find out the changes which are proposed to be made ?

The Honourable Sir Henry Craik : I will do my best to do so.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair thinks that a sufficient number of copies might be circulated

The Honourable Sir Henry Craik : I cannot say that there are enough copies to supply one to every Member of the House, but I will try to make as many copies as possible available to Honourable Members.

THE PROVINCIAL INSOLVENCY (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I move for leave to introduce a Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose.

This Bill is rendered necessary by a judgment of the Madras High Court which recommends that the Act should be modified in the way in which we have proposed it. Very shortly, the position is this. The scheme and the spirit of both the Acts, the Provincial Act and the Presidency Act, is that once there is a discharge of a debtor, he is not to be bothered with any further debts provable in insolvency. That is the provision of the Presidency-towns Insolvency Act. In connection with the Provincial Insolvency Act, there have been conflicting rulings and on a recent occasion the Madras High Court recommended that the Bill should be amended. The object of the present amendment is that the debtor should be put on the same footing in the Provincial Insolvency Act as in the case of the Presidency-towns Insolvency Act, namely, that the discharge should cover all creditors. Now the position is that if one of the creditors keeps out and takes no part in the proceedings either negligently or deliberately, he gains an advantage over the other creditors. That is not the position under the Presidency-towns Insolvency Act. That is not the position

[Sir Nripendra Sircar.]

under this Act also according to certain rulings but there have been conflicting rulings and the learned Chief Justice of Madras who was one of a division bench in Madras strongly recommended that this should be brought into line with the Presidency-towns Insolvency Act, by making a change in the law. That is the object of the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose ”

The motion was adopted.

The Honourable Sir Nripendra Sircar : Sir, I introduce the Bill.

THE INDIAN ARMY (AMENDMENT) BILL.

Mr. G. R. F. Tottenham (Army Secretary) : I move for leave to introduce a Bill further to amend the Indian Army Act, 1911, for certain purposes.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill further to amend the Indian Army Act, 1911, for certain purposes. ”

The motion was adopted.

Mr. G. R. F. Tottenham : Sir, I introduce the Bill

THE PROVINCIAL SMALL CAUSE COURTS (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member) : I move for leave to introduce a Bill further to amend the Provincial Small Cause Courts Act, 1887, for a certain purpose

I do not think I need refer to anything further than what is stated in the Statement of Objects and Reasons. The whole object is to make the meaning perfectly clear, as we now understand that different Presidency Small Cause Courts have been construing the section in different ways.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill further to amend the Provincial Small Cause Courts Act, 1887, for a certain purpose ”

The motion was adopted.

The Honourable Sir Nripendra Sircar : Sir, I introduce the Bill.

THE REPEALING AND AMENDING BILL

The Honourable Sir Nripendra Sircar (Law Member) : I move for leave to introduce a Bill to amend certain enactments and to repeal certain other enactments.

I need not say anything more than what is contained in the Statement of Objects and Reasons. This Bill does not introduce any change in the law. What we want to do is that we want formally to repeal certain Acts which have ceased to be in operation. Also there have been small inaccuracies like omitting the word 'the' and so on, which are set out in a schedule and I can assure my Honourable friends here that this Bill does not seek to effect any important change in the law.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to amend certain enactments and to repeal certain other enactments.”

The motion was adopted.

The Honourable Sir Nripendra Sircar : Sir, I introduce the Bill.

THE INDIAN MOTOR VEHICLES (AMENDMENT) BILL.

The Honourable Sir Henry Craik (Home Member) . Sir, I beg to move for leave to introduce a Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes.

I do not think I need add anything to the Statement of Objects and Reasons.

Mr President (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes.”

The motion was adopted.

The Honourable Sir Henry Craik : Sir, I introduce the Bill.

RESOLUTION *RE* RATIFICATION OF THE DRAFT CONVENTION OF THE INTERNATIONAL LABOUR CONFERENCE CONCERNING EMPLOYMENT OF WOMEN DURING NIGHT.

The Honourable Mr. D. G. Mitchell (Member for Industries and Labour) : Sir, I move :

“ That this Assembly recommends to the Governor General in Council that he should ratify the Draft Convention concerning employment of women during the night (Revised 1934) adopted at the Eighteenth Session of the International Labour Conference.”

Sir, at the first session of the International Labour Conference, which sat in Washington in 1919, a convention was adopted concerning the industrial employment of women during the hours of night. Copies of this Convention have been supplied to Honourable Members, but I may say that the gist of the Convention is that no woman worker shall work during eleven hours of the night and that those eleven hours shall cover the period between 10 P.M. and 5 A.M. The Convention was ratified by India in 1921, but, in pursuance of article 5, it has been applied to factory workers only. It was assumed when the ratification was made that the Factories Act of 1911 as it then stood was sufficient to justify the act of ratification and that no special legislation

[Mr. D. G. Mitchell.]

was required. Several years later the question was raised whether the Convention applied, or did not apply, to women in positions of supervision and management. The question was discussed by the Governing Body of the International Labour Office and was finally referred to the Permanent Court of International Justice, which ruled that the Convention did apply to women holding positions of supervision and management. This placed several nations in a difficulty, including India. Our section 29 of the Factories Act of 1911 allowed us to exempt from this particular restriction, and from other restrictions, persons holding positions of supervision or management or who are employed in a confidential position in a factory. The matter was of very small practical importance in India where very few such women exist. However, it was of some practical importance to certain other countries which pressed the point, and finally in 1934 a new Convention was adopted at Geneva. The Convention is practically the same as the old one, with the one difference that article 8 now lays down that the Convention does not apply to women holding responsible positions of management who are not ordinarily engaged in manual work.

The passing of this Convention and the ruling of the Permanent Court of International Justice has left India in somewhat of a dilemma. Section 29 of the Act of 1911 has been substantially reproduced in section 43 of the present Act of 1934. It still gives us the power to exempt women holding positions of management and supervision. To that extent, it is contrary to the Convention of 1919, the last Convention. Also the description of women given in that Convention is somewhat narrower than the description of women given in our Indian Act of 1934 and to that extent also our present legislation is inconsistent even with the later Convention. Obviously we must legislate, the only other course being the impossible one of denouncing the earlier Convention and refusing to ratify the later. The Government of India propose to take the straightforward course. They intend to adhere to the original Convention of 1919 and to ratify the new Convention of 1934. In order to do so, they propose to legislate at once, and if the House agrees to my present motion, I shall at once introduce the necessary Bill. The position of the Government of India is that they are prepared to go somewhat further than either of the two Conventions. The Bill will make an amendment in the Act which will prevent all women workers from working in factories between the hours of 7 P.M. and 6 A.M. Our reasons for this, very shortly, are two-fold. In the first place there are very few, if any, women in positions of trust and management working in factories. Secondly, if there were, then, as ordinary women workers may not work at night, these women would find themselves alone in the factory, in charge of a gang of men ; and that is a position which I do not think we are required to provide for.

However, the immediate question is the ratification of this new Convention of 1934. There is no reason why we should not ratify it. It gives us a certain power to do a thing which we at present do not want to do ; but if we do ratify it, and if conditions should so develop that we should wish to legislate in order to allow women in positions of management to work in factories at night, then we will be free to do so. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That this Assembly recommends to the Governor General in Council that he should ratify the Draft Convention concerning employment of women during the night (Revised 1934) adopted at the Eighteenth Session of the International Labour Conference.”

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, it would appear to the House perhaps a little bit surprising, when the House hears from me, that I propose to oppose the ratification of this Convention, not on the ground that I am not one of those who desire to see an amelioration of the conditions of women working in mines, but on the ground that a mandate has come from an international body situated far away in Europe and which body is controlled in all its actions by the League of Nations, which happens to be a committee of old women, now almost gasping for its breath,—a body which may perhaps be vanishing into thin air soon as World situation would seem to show

Sir, I notice from the report in my hand that my Honourable friend, Mr. Clow, was a delegate to that Eighteenth International Conference. Sir, I have great respect for my Honourable friend, Mr. Clow, particularly his heart, as I know, melts for his friends, the workers of India, and I know he has done good service to the workers of India (Hear, hear) which my Honourable friend, Mr. Joshi, will recognize, though sometimes at the cost of the industries of India. Yet, Sir, what do we find ? The Government of India send delegates. They are treating this International Conference—I must point out at this stage—with a little bit of contempt. The Government of India sent out that year four delegates to represent the Government of India. They allowed the employers of India to be represented by one delegate only—Seth Kasturbhai Lalbhai—and the workers to be represented by only one delegate—Mr. Jamnadas Mehta. Now while in the body of the report they mention that they had to do the difficult work of attending to the committees which reached the alarming total of twelve, and thus forced the Government side to distribute the three gentlemen and the one distinguished lady that formed part of that delegation into those twelve committees, it would have been humanly impossible for the employers' delegate or the workers' delegate to identify themselves with all the twelve committees that sat that year. Sir, that shows how even the Government of India treat this International Labour Conference with supreme contempt. We find now that the deliberations of these so-called International Conferences have resulted in no good. The European countries that brought into existence this League of Nations after the Treaty of Versailles have set them at naught. They do not obey the mandates of the League of Nations and why should we, in India, obey its mandate particularly when a foreign power like the Government of Italy had the audacity through its spokesman to say that the coloured people and the people of Asia are “barbarians”. When the League of Nations consists of such people who now want to go back on the idea and principles of democracy, why should the British Government or their handmaids the Government of India, compel India even to ratify a particular convention however beneficial it may be to the working classes in India. We could ourselves confer benefits on India. The representatives of industries, the representatives of workers and also the representatives of the Government of India can

[Mr. B. Das.]

devise ameliorating conditions whereby the conditions of workers will improve. There I do not think my Honourable friend, Mr. Joshi, or my Honourable friend, Mr. Giri, will find us lagging behind. We will respond to them whenever it is for the betterment of the industries and of the workers. I want my Honourable friend, Mr. Joshi, who is a member of the Governing Body of the I. L. O., to say how he likes this attitude of the League of Nations towards Asiatic nations (interruptions from Mr. Joshi)—as article 11 of this Convention says that unless the Secretary of the League of Nations writes to the Secretary General of the International Labour Conference the Convention cannot be ratified. Sir, I am opposed to the idea that India should be any more a member of the League of Nations and probably the Government of India in their supine policy wants to go on sleeping a few more months till the League of Nations is dead and buried. The other day I saw an excellent cartoon in the *Hindustan Times*. The League of Nations was shown as a serpent following another serpent, Italy. Both the serpents are trying to swallow each other's tail and in the end Italy will be smashed and so will the League of Nations.

Sir, if I have followed this unusual procedure of asking the House not to ratify a convention which will improve the conditions of the workers, it is because of the insult which Mussolini has hurled against the Asiatics and the people of Africa. What right has any European however mighty he may be to say that Asiatics are barbarians, that the coloured people have no place on this earth and that it is only the European big powers, who want to dictate terms to Asia, to Africa and to other countries, have the right of existence. As war clouds are threatening on the horizon, it may be a friendly neighbour, an Abyssinia, which may pass out as a free people and independent country.

The Honourable Mr. D. G. Mitchell : I rise on a point of order, Sir. Is the Honourable Member in order on the question of ratifying a convention regarding labour, to discuss the relations between two foreign powers ?

Mr. B. Das : Certainly I am.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is giving his reasons why this House should not ratify the Convention of a body which is connected with the League of Nations, but the Chair hopes he will not dilate on it too much.

Mr. B. Das : I do not wish to add to the agony by again referring to Italy, but every Indian, who is present here—be he on this side or the other side of the House—feels it very much and his heart boils and his sense of injury burns in him and he feels indignant that there should be such an old body like the League of Nations that will perpetuate such distress and will allow its principal bodies to insult Asiatic nations ! Now, Sir, my advice to my Honourable friend, Mr. Mitchell, is this : “withdraw from the League of Nations”. But if the International Labour Conference can become a real international body independent from the League of Nations and does look into the interests of workers and employers all over the world, then I would ask the Government of India to become a subscriber of that international body. But when internationalism is dead and the dictatorship is the order of the day, I

would like India to develop aggressive nationalism even with the help of that immobile bureaucratic Government which sits on the Treasury Benches opposite. Sir, I would welcome such aggressive nationalism and I will co-operate with them in the matter of legislating for the amelioration of the conditions of the workers. Therefore, I would ask the House to throw out this proposal for ratification and I will ask the Government of India to join hands with us to get out of the League of Nations.

Mr N. M Joshi (Nominated Non-Official) : Mr. President, I admit that the subject-matter of this Resolution is not of great importance to the working classes of this country. India, as the Honourable Member in charge of the Department stated, has ratified the Convention of 1919. Personally, I do not think there is any necessity for us to ratify this Convention. The Honourable Member in charge of the Department explained that the new Convention has introduced one, what I may call, a reactionary proposal. I should have said two. The proposal which he mentioned authorises women in a supervisory position to work during certain hours of the night. I admit, again, that this is not a matter of very great importance. At the same time, I do not like that we should ratify a convention which admittedly is a little reactionary one. I was unable to follow the reasons given by the Honourable Member in charge of the Department in support of his view for the ratification of this Convention. He said that India practically does not need it. He proposes to introduce legislation which will put right the position of India as regards the ratification of the Convention of 1919. I do not really see what practical advantage the Government of India will get by ratifying this Convention. The Honourable Member said that it is no use to us for the present, because they are not inclined to put in practice the proposal of the new Convention. What he said was that time may come when we can make use of this what I consider to be a reactionary power. I was wondering, Sir, why the Government were showing so much far-sightedness and forethought. Generally, I hear them saying and stating in this Legislature that they do not like to legislate ahead. They look to the present and I want to ask them why they are not content this time by looking to the present and why are they so much far-sighted when they should not be so. I, therefore, feel that nothing will be lost by the working classes in this country if the convention is not ratified. On the contrary, they will get something, if they will at all get, by not ratifying this Convention. However, Sir, I feel that the matter is not of very great consequence. If the Government of India carry this Resolution, I shall not shed many tears.

One word more about what my Honourable friend, Mr. Das, has said. I was unable to understand his attitude towards the League of Nations and the International Labour Conference. He said that India really wants internationalism. I thought he approved of internationalism, at least a real kind of internationalism. Then he said that India does not want to be a member of the League of Nations. What will happen if India does not remain a member of the League of Nations and India does not obey the mandates of the League of Nations as he wants India not to obey. I feel that not only India but the whole world will return to a condition of savagery. The whole world will begin to fight amongst one another and there will be such a continuous and constant fighting that we will not make any progress towards civiliza-

[Mr. N. M. Joshi.]

tion, but whatever civilization we may have achieved so far will be destroyed. I am not here to make a speech in support of the League of Nations. But I feel that by even a country like India leaving the League of Nations, we shall not serve the cause of peace and internationalism, but we shall weaken whatever international organisation exists in the world for the promotion of peace.

Mr. B. Das : Does it exist ?

Mr. N. M. Joshi : One word more as regards the statement made by my Honourable friend, Mr. Das. He has some grudge against the League of Nations. Let him have it.

Mr. B. Das : Have you not got ?

Mr. N. M. Joshi : He was wrong in saying that the International Labour Organisation is controlled by the League of Nations in the passing of Conventions.

Mr. B. Das : See Article 11

Mr. N. M. Joshi : Not even Article 11. The International Labour Conference and the International Labour Organisation have their own power to pass Conventions. I hope, Sir, the Government of India will not insist upon passing this Resolution.

Mr. A. G. Clow (Government of India : Nominated Official) : Mr. President, I must confess like Mr. Joshi that I was a little surprised at the tone of my Honourable friend, Mr. B. Das. He has received part of his reply from Mr. Joshi who has pointed out that the International Labour Organisation, although undoubtedly part of the organization of the League of Nations, is, in a sense, a separate organization. I may say at once that I have no knowledge of meetings of the League of Nations—I have never attended any—but I have attended several meetings of this organization and I can say that India there counts for much. Her views expressed there carry weight and India is there as a partner in what I regard as one of the most truly international organizations we have at present. Indeed, if my memory serves me rightly, I think my Honourable friend, Mr. B. Das, once assisted at one of those conferences which he now affects to despise. I was struck by the singular inconsistency, if I heard him rightly, in that while he seemed to be trying to pour contempt on this organization, he complained that we do not send enough advisers there. Surely he cannot have it both ways. I might add for his information that in the present year, we have sent one Adviser for every Delegate and we sent a distinguished Indian lady in addition.

As regards my Honourable friend, Mr. Joshi, I was a little surprised at the tone of his speech. Generally he complains that when we come forward we do not propose to ratify the Conventions, but when we come forward as in the present case and propose to ratify one of the Conventions, he is equally ready to complain. What I thought was the fundamental weakness in his position was that he seemed to attach no weight whatever to a convention. He took the line that we should have sound and strong reasons for ratifying. I would prefer to put it the other way and would prefer to say : here you have a Conference in

which you have the collected wisdom of the greater part of the labour world met to devise suitable measures for labour ; and if they adopt a Convention, the least that you can do is to say that we shall consider its ratification favourably unless we find that our national conditions are such as to render it undesirable. I have a lurking suspicion that if we had brought forward a Resolution in the negative sense, namely, "That this Assembly recommends that he do not ratify, etc.", then Mr. Joshi would have come forward and said, "Why not ?".

Mr. N. M. Joshi : No, Sir

Mr. A. G. Clow : Then I say it. Here you have a Convention · are there any sound reasons why we should not ratify ? It lays no further obligation upon India than she has already accepted and I think it is up to her to ratify the Convention

Prof N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, Mr. Clow was saying that the International Labour Conference is really the collective wisdom of a major portion of the world and therefore it is up to this House as well as similar Houses in other countries to accept that particular wisdom and then try to ratify the conventions and accept the recommendations which they make. I should like to put one question to him and also to the Government of India. Why is it that whenever any good convention has been passed by the International Labour Conference and recommended to these Governments, then the Government of India comes forward with its own proposals that it be not ratified. Why is it, Sir, on their own admission, when a reactionary and a practically useless Convention is passed by them and is circulated among all these Governments, the Government of India comes forward in this House and says that it be ratified. I should like this paradox to be solved by this Government of India. They alone seem to be competent to solve it.

Coming to the other question of the advantages that India can derive from being a member of the League of Nations—so far as this particular International Labour Conference is concerned,—I would only like to bring to the notice of this House the insult that was meted out to India's delegates at the last International Labour Conference, when the labour delegates were constrained to walk out of that conference being also supported in their action by the representatives of employers also. Therefore it must mean that India as such and Indians as such were not treated properly and were not given as much consideration as they deserved, and the point of view they presented in the International Labour Conference was not considered as weightily and as carefully as it should have been. I am a strong and firm believer in the necessity for an International Labour Conference and I am also in favour of the present International Labour Conference although I hold just as strong views against the League of Nations as it exists today as my Honourable friend, Mr. Das

Of course, I do not agree with Mr. Das when he said that in some cases the recommendations of the International Labour Conference had gone against the employers. It may be that because our employers simply look at their problems from their own point of view and from their own self-interest and profits that they have come to this particular conclusion on some of their recommendations that have come to be accepted by this Government and that have gone against them. But, at the same time, I must sound this note of warning that if such a conference, as the International Labour Conference, did not exist, I do not feel quite confident

[Prof. N. G. Ranga.]

that our employers would have been just as generous as they have been obliged to be in granting the few privileges that our workers have come to enjoy from this Government and also from this International Labour Conference.

In conclusion, Sir, I would like to recommend to the Government of India their own policy of not ratifying a convention which is not good and not accepting a convention which is really reactionary and reactionary in more than one sense. My Honourable friend, Mr. Joshi, has explained one sense in which it is reactionary, and I will mention the other one also for the information of this House. Sir, according to the old Convention, women were prohibited from working at night time between 10 p.m. at night and 5 o'clock in the morning. The new Convention states that they should be prevented from working between 11 o'clock in the night and 6 o'clock in the morning. To allow women to work in factories till 11 o'clock in the night is itself a dangerous thing and it is this reactionary measure which this Convention proposes and expects us to accept. And I am really glad that my Honourable friend, Mr. Mitchell, is going to come forward here with a legislative proposal to prohibit all women from working in factories during night time ; and certainly his proposal is far more liberal than this particular Convention. And, therefore, if those legislative proposals were to be accepted by this House, this country and the working classes will certainly have no advantage to derive from this reactionary Convention and nothing to gain from its ratification. I, therefore, suggest that this Convention should not be ratified at all, because it is reactionary and it is bad.

The Honourable Mr. D. G. Mitchell : Sir, on the whole I think Mr. Joshi's reactions to this motion do not differ very much from my own. I agree with him that if the Resolution is not passed I should not shed any tears over it. As a practical measure it has very little application to India ; but I would impress upon the House that the International Labour Conference is a going concern. I am not going to allow myself to be dragged into any general discussion about the League of Nations. This is not the time for it. But I would again point out,—and Mr. Joshi, I understand, agrees and I think other Members of the House who are closely connected with labour matters will also agree,—that the International Labour Conference is a going concern and it will be a very great pity indeed if India were now to take action which would virtually amount to a declaration of her intention to secede. There has been some talk about the new Convention being reactionary as compared with the old one. From the point of view that it will allow a selected class of women to work at night it is reactionary. But I would remind Mr. Joshi that he himself has several times in this Assembly advocated the cause of the emancipation of women ; and it has been held, and may be held even by some Members opposite, that a condition in the Convention whereby women in a position of supervision and management may be allowed to work at night is in some ways not reactionary.

I do not wish to say very much on Mr. Das' remarks. It seemed to me that his general attitude was, "Do not do a thing, which in itself is sound and which you want to do, because somebody you do not like asks you to do it". I do not think the position is a very convincing one, and

I would again appeal to the House not to make any breach in the walls of the International Labour Conference but to agree to this very sound Convention and to pass the Resolution.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That this Assembly recommends to the Governor General in Council that he should ratify the Draft Convention concerning employment of women during the night (Revised 1934) adopted at the Eighteenth Session of the International Labour Conference.”

The motion was adopted.

THE FACTORIES (AMENDMENT) BILL.

The Honourable Mr. D. G. Mitchell (Member for Industries and Labour) : Sir, I move for leave to introduce a Bill to amend the Factories Act, 1934, for a certain purpose.

This is a Bill to which I have already referred and which I understand several Honourable Members opposite will prefer to the Convention itself.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to introduce a Bill to amend the Factories Act, 1934, for a certain purpose.”

The motion was adopted.

The Honourable Mr. D. G. Mitchell : Sir, I introduce the Bill.

MOTION FOR ADJOURNMENT.

PROHIBITION OF THE CONVENER OF THE CONGRESS ASSEMBLY PARTY COMMITTEE *re* DETENUS TO ENTER CERTAIN PLACES IN BENGAL.

Mr. President (The Honourable Sir Abdur Rahim) : As regards the motion for adjournment standing in the name of Mr. Satyamurti, I have received a Message from the Viceroy and Governor General that he disallows the motion on the ground that it relates to a matter which is not primarily the concern of the Governor General in Council.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of Government business for the rest of the week. The list of business for Tuesday, the 3rd, is already in the hands of Honourable Members. On Thursday, the 5th, a motion will be made to take into consideration the Criminal Law Amendment Bill which has been introduced today. The discussion of this motion will be continued on Friday, the 6th September. Wednesday, the 4th, has been allotted by His Excellency the Governor General for the discussion of non-official Resolutions, and it is not proposed at present that the House should sit on Saturday, the 7th September.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 3rd September, 1935.

LEGISLATIVE ASSEMBLY.

Tuesday, 3rd September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN.

Mr. Nirmal Chandra Chunder, M.L.A. (Calcutta : Non-Muhamma-dan Urban).

QUESTIONS AND ANSWERS.

PURCHASE OF ARTICLES REQUIRED BY THE MILITARY DEPARTMENT.

31. ***Sardar Sant Singh** : What was the total amount spent by the Military Department in the year 1933-34 in making purchases of articles required by that department ? What portion was spent through the Indian Stores Department, and what portion was spent through the Stores Department, London ?

Mr. G. R. F. Tottenham : The total amount spent by the Defence Departments (including Military Engineer Services, Royal Air Force, Royal Indian Navy and manufacturing concerns) on stores purchased in India and England during the year 1933-34 was Rs. 5.64 crores in round figures. The value of purchases made by the Indian and London Stores Departments, respectively, is contained in the annual reports of the two Departments, copies of which are available in the Library of the House.

Mr. Lalchand Navalrai : May I know if only those things are purchased in London which cannot be obtained in India ?

Mr. G. R. F. Tottenham : Yes, Sir ; those things which cannot be purchased in India are alone purchased in London, that is to say, motor cars, aeroplanes, and in this particular case a new ship for the Royal Indian Navy.

Mr. M. Ananthasayanam Ayyangar : Are any articles required for the army purchased in foreign countries or only in England ?

Mr. G. R. F. Tottenham : There may be a few : I have not got details

Mr. M. Ananthasayanam Ayyangar : Through what agency are those articles, bought in countries other than England, purchased ? Who makes the inspection ? Who negotiates for their purchase ?

Mr. G. R. F. Tottenham : Some of them are purchased through the Indian Stores Department and some through the London Stores Department ?

Prof N. G. Ranga : Do you purchase any things directly in London without the mediation of the London Stores Department ?

Mr. G. R. F. Tottenham : I think there are a few things that are bought direct through the War Office

PURCHASE OF ARTICLES REQUIRED BY THE RAILWAY BOARD.

32. *Sardar Sant Singh : What was the total amount spent by the Railway Board in the year 1933-34 in making purchases of articles required by that Department? What portion was spent through the Indian Stores Department, and what portion was spent through the Stores Department, London?

Mr. P. R. Rau : The total value of all stores (both indigenous and foreign) purchased for the State-managed Railways during 1933-34 was Rs. 7.52 lakhs. Out of this, the value of stores purchased by the Indian Stores Department and the India Store Department, London, on behalf of those railways during the same year was approximately Rs. 171 lakhs and six lakhs, respectively.

Mr. Lalchand Navalrai : May I know if the same rule as in the military is being followed and only those articles are purchased in London which cannot be purchased in India?

Mr. P. R. Rau : Yes, Sir.

VALUE OF IMPORTS FROM, AND EXPORTS TO, THE UNITED KINGDOM.

33. *Sardar Sant Singh : Since the Ottawa Agreement became operative, what has been the total value of imports from the United Kingdom into India and what is the total value of exports from India to the United Kingdom?

The Honourable Sir Muhammad Zafrullah Khan : I lay on the table a statement containing the information asked for as far as it is available.

Statement showing imports from and exports to the United Kingdom from January, 1933 to July, 1935.

						Imports. (In lakhs of Rs.)
January, 1933	..	.	.	..	..	3,99
February, 1933	..	..	.	..	..	3,87
March, 1933	..	..	..	..	..	4,48
						12,34
April, 1933—March, 1934	..	..	..	..	..	47,59
April, 1934—March, 1935	..	..	..	..	..	53,73
April, 1935	..	..	..	..	..	4,53
May, 1935	..	..	..	..	..	4,44
June, 1935	..	..	..	..	..	3,60
July, 1935	..	..	..	..	..	4,09
						16,66
Total	..					1,30,32

						Exports. (In lakhs of Rs.)
January, 1933	..	..	..	..	..	2,95
February, 1933	..	..	..	..	..	2,67
March, 1933	..	..	..	..	..	2,93
						8,55
April, 1933—March, 1934	..	..	..	..	..	47,21
April, 1934—March, 1935	..	..	..	..	..	47,81
April, 1935	..	..	..	..	..	2,24
May, 1935	..	..	..	..	..	3,49
June, 1935	..	..	..	..	..	3,36
July, 1935	..	..	..	..	..	3,76
						12,85
Total	..					1,16,42

Prof. N. G. Ranga : Is it not the fact that the imports from the United Kingdom have increased to a greater extent than our exports to the United Kingdom in the same period ever since the Ottawa Pact was concluded ?

The Honourable Sir Muhammad Zafrullah Khan : It is a question of figures : I have supplied the figures.

ALLEGED DISCRIMINATION AGAINST INDIAN PRODUCTS BY BRITISH CONCERNS IN INDIA.

34. ***Sardar Sant Singh :** (a) Has the attention of Government been drawn to the following published in the *London Times* ?

“ A branch of the Tata Iron and Steel Company is obtaining an increasingly large share of the trade in hoes, axes, chisels, billhooks, pickaxes, hammer heads, except for those required by the British-managed concerns ... ”.

If so, are Government aware that there is a discrimination against Indian products at the hands of British-managed concerns in India ? If so, do Government propose to do anything about it ?

(b) Is it a fact that the Railways in India were making such a discrimination against the local products ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have no information on the point.

(b) No.

Mr. S. Satyamurti : May I know why Government could not make inquiries after receipt of the question, part (a), especially considering this is a vital matter ?

The Honourable Sir Muhammad Zafrullah Khan : The question is whether British firms make discrimination against Indian manufactures : if I made inquiries from the British firms, is it reasonable to expect them to tell me whether they do or do not discriminate ?

Mr. S. Satyamurti : May I know if any inquiry was made of these concerns, and they declined to furnish any information ?

The Honourable Sir Muhammad Zafrullah Khan : I did not make any enquiry, because the firms would at once say : " This is no business of yours, and we will not give you any information ". I did not wish to place the Government in that position

Prof. N. G. Ranga : Has any attempt been made to ascertain from the High Commissioner in London with respect to the discrimination of some European firms ?

The Honourable Sir Muhammad Zafrullah Khan : There is no question of European firms in England ; the question does not relate to them.

Mr S. Satyamurti : Why was no inquiry made of the Tata Iron and Steel Company ?

The Honourable Sir Muhammad Zafrullah Khan : How could Tatas give me information whether this discrimination was being practised against them by any British firm or not ?

Mr. S. Satyamurti : Did the Honourable Member make any attempt to get the information ?

The Honourable Sir Muhammad Zafrullah Khan : I did not, because I knew no useful information could be supplied by them on this point.

OVERHAULING OF THE INCOME-TAX SYSTEM OF INDIA.

35. ***Sardar Sant Singh :** (a) Have Government taken any steps towards the fulfilment of their promise to undertake the overhauling of the Income-tax system of India ? If so, what steps have been taken so far ?

(b) Do Government propose to associate some Indian businessmen with this enquiry ?

Mr. A. H. Lloyd : May I answer this question on behalf of the Honourable the Finance Member who is unfortunately prevented by indisposition from attending today ?

I would refer the Honourable Member to the remarks of the Honourable the Finance Member on this subject in the Report of the Proceedings of the Assembly for the 4th of April last (pages 3650-51 and page 3667). Definite arrangements have now been made for the expert review there mentioned to begin during the coming cold weather.

Mr. F. E. James : I understand that memoranda may be sent by commercial associations in respect of this committee's work : is the initiative left to the associations or will Government send the usual circular inviting such memoranda ?

Mr. A. H. Lloyd : The position is that the procedure to be followed by the experts will not be determined until they have arrived, but I have personally no doubt that in due course these representative bodies will be invited to submit memoranda to Government.

Mr. T. S. Avinashilingam Chettiar : May I know the answer to clause (b) ?

Mr. A. H. Lloyd : The answer to that is contained in what I have already said, if the Honourable Member will refer to the proceedings of the Assembly which I have quoted.

Mr. T. S. Avinashilingam Chettiar : May we know that ?

Mr. A. H. Lloyd : I have quoted the reference—pages 3650-51 and page 3667.

Mr. T. S. Avinashilingam Chettiar : But the Honourable Member may be pleased to give that reply : it is a matter of “ yes ” or “ no ”.

(No answer was given.)

APPOINTMENTS OF SUCCESSFUL *EX*-APPRENTICES OF THE EAST INDIAN RAILWAY WORKSHOP, LILLOOAH, IN OTHER WORKSHOPS.

36. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government please state whether they took action in accordance with the procedure cited in answers to starred question No. 918 (d) of the 7th November, 1932, and unstarred question No. 23 (b) of the 5th September, 1932, regarding the appointments of successful *ex*-apprentices of the East Indian Railway Workshop, Lillooah, in other workshops, such as Tatanagar, Charbagh and Alambagh, which are under the Chief Mechanical Engineer ? If so, will Government please state the number of vacancies which occurred in these workshops since 1934 and the names of the *ex*-apprentices, if any, who have been taken in ? If not, why not ?

(b) Are Government aware that illiterate workmen, mistries, clerks, etc., who never received any technical education at all are promoted to the grade of journeymen, mechanics, chargemen and even to the grade of Assistant Foremen in those workshops, although many successful technically trained *ex*-apprentices of Jamalpore Technical School were available ? If so, why ?

(c) Are Government aware that a considerable amount of money is spent on the theoretical and practical training of the first grade Mechanical Bound Apprentices of East Indian Railway Technical School, Jamalpore ?

(d) Are Government aware that some outsiders are also appointed as journeymen, chargemen, etc., in those workshops in preference to the *ex*-apprentices who were trained under them ? If so, why ?

(e) If the answers to parts (b) and (d) above be in the negative, will Government please state whether they are prepared to make an enquiry into the matter and lay on the table of this House a statement showing the names of the supervising staff such as Assistant Foremen, chargemen, journeymen, etc., of those workshops with the following :

- (i) particulars of practical training,
- (ii) particulars of service,
- (iii) particulars of technical education,
- (iv) division in which passed from the technical school,
- (v) designations and grades of the posts,
- (vi) present salary, and
- (vii) the university examination passed ?

If not, why not ?

(f) Will Government please state whether they are prepared to put a stop to promoting to such posts, persons who received no technical education at all, in all future cases and appoint time-expired apprentices of Jamalpore Technical School, who were trained under them, and issue necessary orders to the Agent, East Indian Railway to this effect ? If not, why not ?

(g) If the answer to part (f) above be in the affirmative, will Government please lay a copy of the orders on the table ? If not, why not ?

(h) Will Government please state the amount spent on the practical and theoretical training of each apprentice of Jamalpore Technical School, East Indian Railway, during the five years of training ?

Mr P. R. Rau : (a) The information has been called for and will be placed on the table of the House in due course.

(b) Government understand that on the Oudh and Rohilkund Railway the supervising grades were filled by promoting mechanics and mistries deserving of such promotion. Since the amalgamation of that railway with the East Indian Railway posts in the supervising grades are reserved for *ex*-apprentice mechanics. If these are not available, mistries are eligible for promotion to certain lower grade of chargemen.

(c) and (h). Government understand that approximately Rs. 3,600 is spent on each apprentice in five years.

(d) The Agent, East Indian Railway, reports that it has been necessary on occasion to appoint outsiders when *ex*-apprentices with the required training have not been available.

(e) Does not arise.

(f) Government understand that the present practice is to appoint other persons to supervisory posts only if *ex*-apprentices with the requisite training are not available. They do not, therefore, consider the issue of further orders necessary.

(g) Does not arise.

Mr V. V. Giri : With reference to part (d) of this question, will the Honourable Member find out from the Agent of the East Indian Railway as to how many outsiders have been taken ?

Mr P. R. Rau : My Honourable friend is at liberty to put a question on the paper.

DIFFERENT GRADES OF PAY FOR THE SUPERVISING STAFF IN THE EAST INDIAN RAILWAY WORKSHOPS.

37. ***Mr. Amarendra Nath Chattopadhyaya :** Are Government aware that there are different grades of pay for the supervising staff in different workshops on the East Indian Railway, although they are under one and the same head, *i.e.*, the Chief Mechanical Engineer ? If so, will Government please state the reasons for the differences ? Are Government prepared to bring them on to one standard ?

Mr. P. R. Rau : Yes. The difference in the scales of pay is due to the difference in the degree of responsibility attaching to the respective posts. The Government do not see any necessity for bringing them on to one standard.

APPOINTMENT OF APPRENTICES ON THE EAST INDIAN RAILWAY.

38 ***Mr. Amarendra Nath Chattopadhyaya :** (a) Are Government aware that in spite of repeated assurances, given in answer to starred questions No. 424 (d) of the 16th September, 1931, and 1528 (c) of the 5th December, 1932, one junior *ex*-apprentice, who passed in a lower division has been appointed this year in the Alambagh workshop under the Chief Mechanical Engineer, East Indian Railway ? If so, will Government please state the reasons for appointing him in preference to many seniors of 1931, who passed in the first division ? Are Government prepared to take immediate action against this act of the railway administration ? If so, in what way ?

(b) If the answer to part (a) above be in the negative, are Government prepared to enquire into the matter ?

(c) Will Government please state how the selection for the post referred to in part (a) above was made, who made the selection and what were their qualifications ?

(d) Will Government please lay on the table a statement showing the name of the *ex*-apprentice referred to in part (a) above, the date of his completion of apprenticeship training, the division in which he passed from the Technical School, and starting salary ?

(e) With reference to the starred questions Nos. 1014 and 1015 of the 26th March, 1935, and starred questions Nos. 1324 to 1326 of the 2nd April, 1935, regarding the appointments of the time-expired apprentices of Lillooah Workshops under the Chief Mechanical Engineer, East Indian Railway, will Government please state :

(i) whether they have received the required information from the Agent, East Indian Railway, and

(ii) whether they are now prepared to lay the statement asked for in the question referred to on the table ?

Mr. P. R. Rau : (a) to (d). The Agent, East Indian Railway, reports that it is not clear which *ex*-apprentice is referred to but two *ex*-apprentices were engaged in the Alambagh Workshops, Lucknow, this year, one in the capacity of a chargehand on Rs. 85 per mensem and the other as a fitter on Rs. 2-6-0 a day. Both these men passed in the First Division. Government do not consider any action necessary.

(e) The statement has been laid on the table

APPOINTMENT OF APPRENTICES ON THE EAST INDIAN RAILWAY.

39. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Are Government aware that in spite of the assurance given, the *ex*-apprentices of the East Indian Railway Workshop, Lillooah, are not appointed from the waiting list according to seniority, and that the result of the Technical School is not considered at the time of appointments under the Chief Mechanical Engineer ?

(b) If the answer to part (a) above be in the negative, will Government please state whether they are prepared to make an enquiry into the matter, and lay on the floor of this House a statement showing the names of those who have been provided with posts under the Chief Mechanical

Engineer, East Indian Railway, since 1933, together with the following information about them :

- (i) dates of completion of apprenticeship training ;
- (ii) division in which passed in technical school ;
- (iii) workshop in which appointed ;
- (iv) designations ;
- (v) starting pay ; and
- (vi) dates of appointments ?

Mr. P. R. Rau : (a) I would invite the Honourable Member's attention to the information laid on the table in connection with Mr. D. K. Lahiri Chaudhry's starred question No. 1325 asked on the 2nd April, 1935.

(b) Government do not consider an enquiry necessary.

DEMOTION OF ELECTRICAL LINESMEN AND WIREMEN ON THE EAST INDIAN RAILWAY.

40. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to state the actual number of the linesmen and wiremen in the Electrical Department on the East Indian Railway in each Division ?

(b) What was their grade of pay before the retrenchment took place in 1931, and what is their present grade ?

(c) Is it not a fact that certain electrical linesmen and wiremen have been demoted, on the plea of retrenchment, from the grade of Rs. 84 to Rs. 51 ?

(d) What is the number of such demoted persons in each Division ?

(e) Is it a fact that the persons who were demoted, were given an assurance that their grades will be restored after six months ?

(f) Will Government be pleased to state whether their grades have been restored, or not ? If not, why not ?

(g) Will Government also be pleased to state what action has been taken on the representations made by the demoted persons every now and then ? If none, will Government be pleased to state the reasons why no action was taken ?

Mr. P. R. Rau : (a) and (b). I lay on the table a statement giving the required information.

(c) Yes. The reduction in grade was accepted by them as an alternative to discharge.

(d) Three wiremen and two linesmen in the Lucknow Division.

(e) No.

(f) No vacancies have arisen in the higher grade for which these demoted men are suitable. Orders have been issued by the East Indian Railway Administration that when vacancies occur in the higher grade for which these demoted men are suitable they are to be restored to their original grade.

(g) A petition was received in May, 1932, from the men concerned and they were informed in reply that as they had accepted the reduced grade, they must abide by the decision.

EAST INDIAN RAILWAY.
Statement showing scales of pay of Linesmen and Wiremen in the Electrical Department.

Stations.	Upto 31st August 1931.			From 1st September 1931.			Revised grades for new entrants appointed on or after 16th July 1931, introduced from 1st September 1934.			Remarks.
	Grade I.	Grade II.	Grade III.	Grade I.	Grade II.	Grade III.	Grade I.	Grade II.	Grade III.	
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	
JAMALPUR— Linesmen and Wiremen.	54-5-84	39-3-51	15-3-36	54-5-84	42-3-54	18/22-2-38	44-2-60	30-1-40	22-1-28	
LALLOOAH— Linesmen and Wiremen.	54-5-84	39-3-51	15-3-36	54-5-84	40-2 $\frac{1}{2}$ -55	22-2-26- 2 $\frac{1}{2}$ -41	44-2-60	30-1-40	22-1-28	
LUCKNOW— (Monthly rated)— Linesmen and Wiremen.	54-5-84	39-3-51	15-3-36	54-5-84	42-3-54	18/22-2- 38	44-2-60	30-1-40	22-1-28	
LUCKNOW— (Daily rated) (Old O. and R. Section)	As.	As.	As.	As.	As.	As.	As.	As.	As.	Daily rates have been eliminated except for those employees at Lucknow who were appointed before the 16th July 1931, and were daily rated.
Linesmen and Wiremen.	39-3-54	26-2-36	16-2-28	39-3-54	30-2-38	19-2-29	.	..	..

Stations.	Up to 31st August 1931.			From 1st September 1931.			Revised grades for new entrants appointed on or after 16th July 1931 introduced from 1st September 1934.			Remarks.
	Grade I.	Grade II.	Grade III.	Grade I.	Grade II.	Grade III.	Grade I.	Grade II.	Grade III.	
LUCKNOW DISTRICT.— Old O. and R. SECTION. (Daily rated).—	As 39-3-54	As. 26-2-36	As 16-2-28	As. 39-3-54	As. 30-2-38	As 19-2-29	As .	As .	As .	Daily rates have been eliminated except for those employees at Lucknow who were appointed before the 16th July 1931, and were daily rated.
Linsmen and Wiremen.	Rs. 54-5-84	Rs. 39-3-51	Rs 15-3-36	Rs 54-5-84	Rs. 39-3-51	Rs 15-3-36	Rs 44-2-60	Rs 30-1-40	Rs 22-1-28	
LUCKNOW DISTRICT.— (Monthly rated) —										
Linsmen and Wiremen.										
LALLOOH DISTRICT.—										Staff transferred to the Colliery Department with effect from the 1st July 1933.
Linsmen and Wiremen	54-5-84	39-3-51	15-3-36	54-5-84	39-3-51	15-3-36	44-2-60	30-1-40	22-1-28	
DHANBAD DISTRICT.—										
Linsmen and Wiremen	54-5-84	39-3-51	15-3-36	54-5-84	39-3-51	15-3-36	44-2-60	30-1-40	22-1-28	
COLLIERY DISTRICT.—										
Linsmen and Wiremen	54-5-84	39-3-51	15-3-36	54-5-84	39-3-51	15-3-36	44-2-60	30-1-40	22-1-28	

AMOUNT SANCTIONED TO CONDUCT THE CASE OF MR. DORAN, LATE STAFF SUPERINTENDENT OF THE DINAPUR DIVISION.

41. *Mr. Amarendra Nath Chattopadhyaya : (a) Is it a fact that Government have sanctioned a sum of Rs 10,000 to conduct the case of Mr. Doran, late Staff Superintendent of the Dinapur Division, who filed a complaint against the *Mazdur*, an official organ of the East Indian Railway Union, Dinapur, under sections 500, 504 and 506, Indian Penal Code, and the accused claimed a privilege under Chapter 33, section 443, Criminal Procedure Code for jury trial consisting of the majority of Indian jurymen ?

(b) Is it a fact that the learned Session Judge of Patna accepted the application for a jury trial and gave a privilege to the accused persons under Chapter 33, section 443, of the Criminal Procedure Code and observed in his judgment on the 2nd January, 1935, that the complaint was not filed by Mr. Doran in his official capacity and the accused were entitled to trial by a jury of his countrymen, if he desired it ?

(c) Will Government be pleased to state the reasons and the grounds under which a sum of Rs. 10,000 of the public money was sanctioned to conduct the case of Mr. Doran ?

(d) Will Government also be pleased to state whether similar privileges of financing the cases of subordinates were allowed when they defended the case while they were on duty ? If not, will Government be pleased to state why this favour has been shown to Mr. Doran in this case ?

Mr P. R. Rau : (a) Government have so far sanctioned an expenditure of Rs. 5,376-12-0 in connection with this case

(b) The learned Sessions Judge of Patna allowed the application for a jury trial under section 443 of the Criminal Procedure Code. He observed that in lodging the complaint Mr. Doran acted not only with the approval but under the express orders of his official superiors ; but he did not consider it to be any part of Mr. Doran's normal duties to prosecute the editors of newspapers who may publish articles defamatory of him.

(c) Mr Doran was attacked in the *Mazdur* on the subject of acts performed by him in his official capacity. The Railway Administration accordingly instructed him to prosecute the editor and printer of the *Mazdur* and undertook to pay expenses as it was considered necessary to protect its officers against such attacks

(d) As Mr. Doran instituted the prosecution under the orders of the Railway Administration, the expenses were borne by the latter. I have not been able to trace readily any similar case of a subordinate being instructed by the Administration to institute prosecution

Mr V. V. Giri : Were the accused acquitted in that case ?

The Honourable Sir Muhammad Zafrullah Khan : Yes

Pandit Krishna Kant Malaviya : With regard to the answer to part (a) of this question, may I know if the opinion of the Legal Remembrancer or of any legal adviser of the Crown was obtained before instituting this case ?

The Honourable Sir Muhammad Zafrullah Khan : I believe the East Indian Railway authorities did obtain advice.

Mr. Lalchand Navalrai : May I know from the Honourable Member what is the practice adopted in giving assistance to a railway employé for conducting a case ? Does the Railway Board first of all decide the matter, or what is the procedure ?

The Honourable Sir Muhammad Zafrullah Khan : If a railway servant, as was the case in this case, is instructed to institute a prosecution, the expenses are paid by the railway administration.

Mr. Sami Venkatachelam Chetty : Did Government approve of the act of the Railway Administration in this case ?

The Honourable Sir Muhammad Zafrullah Khan : What distinction, the Honourable Member making between the Railway Administration and the Government ?

Mr. Sami Venkatachelam Chetty : I thought that the Government were an appellate authority. May I know if the Railway Administration has got any power to institute cases like this without the approval of the Railway Board ?

Mr. T. S. Avinashilingam Chettiar : Are there any rules under which orders are given for instituting such prosecutions ?

The Honourable Sir Muhammad Zafrullah Khan : Each question is decided on its merits.

Mr. S. Satyamurti : With reference to part (c), may I know whether the Government obtained any independent legal opinion as to the soundness of this prosecution, before they sanctioned this sum of public money ?

The Honourable Sir Muhammad Zafrullah Khan : As I said before, the prosecution was instituted by the East Indian Railway Administration, and they did obtain legal advice before instituting this prosecution. I do not know what is meant by independent legal advice.

Mr. S. Satyamurti : I want to know whether the Government of India, before they sanctioned this sum of public money, obtained any other legal advice ?

The Honourable Sir Muhammad Zafrullah Khan : Does the Honourable Member mean any other advice than that which the East Indian Railway had already obtained ?

Mr. S. Satyamurti : Yes.

The Honourable Sir Muhammad Zafrullah Khan : No.

Pandit Krishna Kant Malaviya : Are Government aware of the judgment in this case ?

The Honourable Sir Muhammad Zafrullah Khan : Government are aware of the judgment in this case.

Mr. Lalchand Navalrai : May I know if the prosecution was initiated by the Railway Department or by the railway employé, Mr. Doran ?

The Honourable Sir Muhammad Zafrullah Khan : As the answer, the East Indian Railway Administration directed Mr Doran to institute this prosecution.

Prof. N. G. Ranga : Is it not the duty of the Railway Board to see that the prosecutions that are ordered by the various companies under them are properly conducted and taken up ? Has the Railway Board consulted its own legal adviser as to the rightness of this prosecution ?

(No reply.)

ENHANCEMENT OF THE BEAT OF THE KEYMEN ON THE EAST INDIAN RAILWAY.

42. *Mr. Amarendra Nath Chattopadhyaya : (a) Will Government be pleased to state what action they have taken in connection with the speech of Mr. N. V. Gadgil, delivered in this House on the 26th February, 1935, in connection with the cut motion on Railway Budget, regarding the enhancement of the beat of the keymen on the East Indian Railway ?

(b) Is it a fact that the Chief Engineer, East Indian Railway, Calcutta, had issued a circular letter, No. 1174, dated *nil*, to all the S. S. W.'s on the East Indian Railway and asked for their suggestions to increase the beat of the keymen on the East Indian Railway from three to six miles on double line and four miles to twelve on single lines per day ?

(c) Will Government be pleased to lay on the table the suggestions made by the P. W. I's, A. S. W's and S. W.'s of six Divisions on the East Indian Railway regarding the increase of the beat of the keymen on the East Indian Railway ?

(d) Is it also a fact that the beat of the keymen has been increased from three to six miles on double lines and from four to twelve miles on single lines per day with effect from the 15th March, 1935 ?

(e) Will Government be pleased to state the distance between two keys ?

(f) How many keys does each mile contain ?

(g) What is the average time to set one key ?

(h) Is it a fact that when the wage-cut was imposed on the railway employees, the Honourable the Railway Member gave an assurance that in future no retrenchment will be made ? If so, what is the reason for the enhancement of the beat of the keymen ?

Mr. P. R. Rau : (a) No action was considered necessary on the speech of Mr. Gadgil, referred to.

(b) It was decided in January, 1935, to extend the length of keymen's beats. This change was adopted after consideration of the proposals put forward by the Deputy Agent (Organisation) with a view to securing economy by a more intensive employment of permanent way staff. The increased limits represented the maximum beat prescribed for keymen under the most favourable conditions.

(c) Reports on the working of the revised orders have been received and are under consideration together with suggestions for their modification. These are administrative documents not intended for publication and Government are not prepared to lay them on the table.

(d) The beat was increased from the 15th February, 1935.

(e) The distance between two sleepers is generally between two and three feet.

(f) About four thousand.

(g) A few seconds. In any one day only a very small percentage of keys require attention.

(h) I have not been able to trace any such statement. My Honourable friend will, no doubt, realise that in the course of investigations by railways into fresh avenues of economy, it is inevitable that some staff will be found surplus to requirements from time to time

PAY OF CERTAIN RAILWAY STAFF.

43. *Mr. Amarendra Nath Chattopadhyaya : Will the Honourable Member in charge of Railways be pleased to state the pay of (i) Pointsmen, (ii) Clock-winders, (iii) Relieving Ticket Collectors, (iv) Relieving Assistant Station Masters, (v) Engine Assistants, i.e., firemen and state if they are paid any monthly allowance ?

Mr. P. R. Rau : I lay on the table a statement giving the information.

Statement showing the pay and monthly allowances of Pointsmen, Clock Winders, Relieving Ticket Collectors, Relieving Assistant Station Masters and Firemen on the East Indian Railway.

Scales of pay 1934.			Monthly allowance.
<hr/>			
(i) Pointsmen—			
In running sheds	..	Rs. 12—1—17	(a) (a) Local and bad climate allowances are given in certain localities in accordance with the scale shown, at page XIII of the pamphlet containing the revised scales of pay 1934 a copy of which is in the library of the House.
At stations	..	Rs. 14—1—19	
(ii) Clock Winders	..	Rs. 22—1—28	(b) Nil.
(iii) Relieving Ticket Collectors	Rs. 30—3—45	(c) ..	(c) No monthly allowance other than ordinary travelling allowance when relieving away from their headquarters.
(iv) Relieving Assistant Station Masters.	Rs. 30—2—45/5—60	(c).	
(v) Firemen—			
Grade I	..	Rs. 30—3—50	(d) .. (d) Running allowances under the rules applicable to locomotive running staff.
Grade II	..	Rs. 17—18	(d).
Grade III	..	Rs. 15—16	(d).

MONTHLY ALLOWANCE PAID TO THE TRAVELLING TICKET INSPECTORS ON THE
EAST INDIAN RAILWAY.

44. ***Mr. Amarendra Nath Chattopadhyaya** : Will the Honourable Member in charge of the Railways be pleased to state if the travelling inspectors of A and B grades under Mody-Ward system on the East Indian Railway, are paid any monthly allowance ? If so, will he be pleased to state the amount ? If not, why not ?

Mr. P. R. Rau : I would refer the Honourable Member to the information laid on the table of the House in reply to part (c) of question No. 307 asked by Dr N. B. Khare on the 9th April, 1935.

PURCHASE OF SCALES BY THE RAILWAYS.

45. ***Mr. Amarendra Nath Chattopadhyaya** : (a) Will Government be pleased to state whether weigh-bridge scales are purchased by the Railways or by the State ?

(b) Is it a fact that T. Avery's scales are generally preferred by State Railways to B. W. Company and that the latter are cheaper than the former by not less than Rs. 500 ?

(c) If the answer to part (b) be in the affirmative, will Government be pleased to state the reason for the preference ?

(d) Will Government be pleased to state the number of Avery's scales purchased during the last five years and the rate at which they were purchased ?

(e) Will Government be pleased to state if the weigh-bridge scales are purchased by calling regular tenders from suppliers, and if so, whose tenders were lowest during all these years ?

(f) Are Government aware of the fact that B. W. Company's weigh-bridge scales are purchased by almost all the factories in India for their cheapness and durability ?

(g) Do Government propose to stop the purchase of Avery's scales in future, and start purchasing B. W. Company's scales ?

Mr. P. R. Rau : (a) Prior to the 29th January, 1935, State-managed Railways purchased their requirements of weigh-bridges and weighing machines directly. From that date such purchases are being made through the Indian Stores Department.

(b) and (c) Avery's scales have been in use on Indian Railways for many years past and have, I understand, proved generally satisfactory. There is no question, however, of giving a preference to this Company over others since the purchase is decided on quality and price. I understand the B. W. Scales Company, which has apparently started operations quite recently, have not yet tendered for railway requirements. If they do, I am sure, the Indian Stores Department will give them the same consideration as other tenderers.

(d) The information is not readily available.

(e) Weigh-bridges and scales have in the past been chiefly purchased by calling for tenders. In certain instances when a special type of machine of a proprietary nature has been required the single

tender system of purchase has been adopted. Tenders will in future be called for by the Indian Stores Department. Government have no information regarding the lowest tenders during the last five years.

(f) No.

(g) Government propose to purchase from the most suitable tenderer.

Prof. N. G. Ranga : Have Government ever tried to ascertain whether the B. W. Company's scales are cheaper than the Avery's scales ?

Mr. P. R. Rau : That will be easily found out when the tenders are received.

Pandit Lakshmi Kanta Maitra : Do I understand the Honourable Member to say that the Avery's scales are the very best ?

Mr. P. R. Rau : No.

Pandit Lakshmi Kanta Maitra : Has the Honourable Member ever tried to ascertain whether equally good weigh-bridges can be had at lower prices ?

Mr. P. R. Rau : I have never said that the Avery's scales are the very best. I have said that they have been in use on Indian Railways for many years past and they have proved generally satisfactory. I have also said that there is no question of giving preference to this Company over others since the purchase is decided on quality and price.

Pandit Lakshmi Kanta Maitra : Why did not the Government think it desirable to call for tenders to see if equally good scales can be had elsewhere at a lesser price ?

Mr. P. R. Rau : Open tenders will be called for by the Indian Stores Department in future.

Prof. N. G. Ranga : Have Government tried to make experiments with B. W. Company's scales and find out whether they are just as good as Avery's scales ?

Mr. P. R. Rau : I must leave that to the Indian Stores Department.

Prof. N. G. Ranga : Is it not the duty of the Indian Stores Department simply to sell the scales to the Indian Railways ?

Mr President (The Honourable Sir Abdur Rahim) : The Honourable Member has given an answer.

DIFFERENTIAL TREATMENT IN RE-EMPLOYING THE DISCHARGED TICKET CHECKING STAFF ON THE EASTERN BENGAL RAILWAY.

46. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to state if it is a fact that in the year 1928 when transferring the Ticket Checking Staff from the control of the Audit Department to that of the Traffic Department on the Eastern Bengal Railway, all the staff of the Ticket Checking Department were medically examined as to their fitness in Class "A" ?

(b) If so, will Government be pleased to state how many of them were passed in Class "A" and how many in Class "B" ?

(c) Will Government be pleased to state if it is a fact that some of the Travelling Ticket Collectors failed to pass in Class "A" but passed in Class "B" ?

(d) If so, will Government be pleased to state if it is a fact that some of them who passed in Class "B" were discharged and subsequently absorbed as Ticket Collectors in the Traffic Department, and some were taken back to the Ticket Checking Department without break of service ?

(e) If so, will Government be pleased to state why differential treatment was meted out to the few who were discharged and subsequently taken back as new recruits ?

(f) Will Government be pleased to state if it is a fact that for the sake of economy, the representation like that of the other fortunate men, was rejected ?

Mr. P. B. Rau : (a) Yes

(b) They were examined only in Class 'A' as that was the minimum standard laid down at the time for ticket checking staff. 158 passed.

(c) Those who failed to pass in Class 'A' were not at that time tested in Class 'B'.

(d) and (e) If my Honourable friend means that while some of those who failed to pass in Class 'A' and were subsequently re-appointed were treated as re-appointed after a break in service, the rest were taken back without a break, the reply is in the negative. All were treated as re-appointed after a break in service

(f) Does not arise.

DETACHMENT OF BRITISH TROOPS STATIONED IN CERTAIN BIKRAMPUR VILLAGES IN DACCA.

47. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Are Government aware of the facts that two detachments of British troops have been stationed in parts of Bikrampur (Munshiganj area) in the district of Dacca ?

(b) Are Government aware of the fact that a detachment of the Bedfordshire and Hertfordshire Regiment was stationed in Bikrampur in September last and that they remained there till the end of February, 1935 ?

(c) Are Government aware of the fact that the above detachments were divided into seven batches, and as many as seven military camps were set up at the following villages, namely, Taltala, Arial, Bhagyakul, Abdullapur, Baherak, Bahar and Hashara ?

(d) Are Government aware that the soldiers placed in the above places were advised to move about freely in the villages at all hours of the day and even late at night and that they thereby caused difficulty and inconvenience to the women of the villages in going about for drawing water and buying food in the market and attending *Pujahs* in the temples ?

(e) Is it not a fact that the soldiers used to enter the houses of the local people without asking for permission of the owners ?

(f) Is it not a fact that the soldiers used to cut down trees for fuel without waiting for the consent of the owners of the trees ?

(g) Is it not a fact that these detachments were stationed in the villages where the population is predominantly Hindus and that cows were daily slaughtered in the slaughter house to supply them with beef ?

(h) If the answer to part (g) be in the affirmative, will Government be pleased to state if they are aware that this affected the susceptibilities of the Hindu population of the locality ?

(i) Is it not a fact that troops visit the houses of the young men under restraint order (sunset and curfew order) and rouse them up from sleep more than once the same night and create a row thereby by knocking at the doors and beating the corrugated-sheet roofs and disturb the peace of the household and the locality ?

(j) Are Government aware that the soldiers killed a large number of watch-dogs in the villages to the great inconvenience of the people ?

(k) Is it a fact that in spite of the prohibitory orders of Government on the young men regarding the movement in the streets between sunset and sunrise, the soldiers forced them to accompany them to be left at some distant out-of-the-way place in the darkness and shift for themselves as best as they could ?

(l) Is it a fact that detachments are placed in the interior of the villages to put down terrorism ? If so, will Government be pleased to state if there were any acts of terrorism in Bikrampur during the last five years, and when the last act of terrorism took place there ?

(m) Will Government be pleased to state if they have considered whether any further stationing of troops is required under the present peaceful situation there ? If so, are Government prepared to withdraw the regiments from these places and restore normal conditions there without delay ?

The Honourable Sir Henry Craik : (a), (b) and (c) Detachments of the 1st Battalion of the Bedfordshire and Hertfordshire Regiment were in Camp in the Munshiganj Sub-Division from the 7th December, 1934, to the 9th March, 1935. There were at no one time more than eight separate camps, situated at Fursail, Abdullapur, Bellah Masara, Telirbag, Baharak, Arial, Munshiganj and Bhagyakul ; the last camp was occupied only for a very short time.

(d) No. Troops were permitted to use the open country but resort to populated areas, tanks and places used by women for bathing was expressly prohibited, and no soldier was permitted to leave camp between sunset and sunrise, except on duty. Orders to ensure respect for the convenience and susceptibilities of the inhabitants were made in consultation with Union Boards and no complaints of the molestation of women have been received.

(e) and (f). The allegations made are untrue. Government have received no such complaints and are satisfied that none were ever made.

(g) and (h) Shelters for the slaughter of cattle were constructed in consultation with Cicle Officers and Presidents of Union Boards. No such shelter was built on land belonging to a Hindu and every shelter was constructed so as not to give offence. No complaint regard-

ing the slaughter of cattle or the position of these shelters was received.

(i) It was necessary on occasions for combined patrols of police and military to visit persons living under orders of restriction

(j) No dogs were killed in any village. In one or two camps a few stray dogs were killed but only after the wishes of the local inhabitants had been ascertained. The action called forth the gratitude of the villagers in the neighbourhood.

(k) The allegation is entirely unfounded. On the contrary, some young men under restriction volunteered to guide patrols at night. In some instances their help was invited.

(l) No less than 17 terrorist crimes including three murders and three attempted murders were committed between 29th August, 1930 and 8th May, 1934, either in Munshiganj Sub-division, or by persons belonging to that sub-division.

(m) Troops will be withdrawn as soon as the necessity for their presence disappears.

Pandit Lakshmi Kanta Maitra : I could not hear the answer to part (k) of the question.

The Honourable Sir Henry Craik : The allegation is entirely unfounded. On the contrary, some young men under restriction volunteered to guide patrols at night. In some instances their help was invited.

Mr. S. Satyamurti : May I know if, after the receipt of these questions, Government made any enquiries, and, if so, of whom and in what manner?

The Honourable Sir Henry Craik : We enquired of the Government of Bengal.

Mr. Mohan Lal Saksena : With reference to the Honourable Member's answer to part (l) of the question, may I know when the last terrorist outrage was committed?

The Honourable Sir Henry Craik : In the Munshiganj sub-division, the last terrorist outrage was committed on the 14th September, 1932, and by the inhabitants of the Murshidabad sub-division the last terrorist outrage was committed on the 8th May, 1934.

Mr. T. S. Avinashilingam Chettiar : Knowing the character of soldiers as the Honourable Member does, does he believe the statement of the Government of Bengal that the posting of this regiment there has not caused any inconvenience to the people of the locality?

The Honourable Sir Henry Craik : Knowing the character of the soldiers and having referred to the Government of Bengal, I am of opinion that, so far from causing any inconvenience to the inhabitants of the locality, the presence of the troops was of great material benefit to, and was welcomed by, the inhabitants. (*Cries of "Oh, oh!" from Congress Party Benches and "Hear, hear" from Government Benches.*)

Mr. Sri Prakasa : The Honourable Member has said that he has received no complaints. But would he kindly inform the House if there are any avenues open for making complaints in the face of the existing

law ? Are not papers prohibited from publishing any complaints ? Are not people terrorised if they make any complaints ?

The Honourable Sir Henry Craik : The Honourable Member seems to be indulging in a speech. My information is entirely different from his.

Mr. T. S. Avinashilingam Chettiar : What are the grounds for saying that the troops were welcomed ?

The Honourable Sir Henry Craik : That is the information supplied to me by the Government of Bengal.

Mr. S. Satyamurti : Are not newspapers in Bengal being advised by a special officer not to publish any such accounts ?

Mr. Mohan Lal Saksena : Did the Honourable Member make any enquiries of the Member of the Assembly representing that district ?

The Honourable Sir Henry Craik : No.

Mr. Mohan Lal Saksena : Will he make an enquiry of him now ?

The Honourable Sir Henry Craik : No.

Seth Govind Das : As the Honourable Member has just stated that no offence has been committed since 1934, does he consider that the regiment should remain there even now in spite of the fact that no offence has been committed for a year ?

The Honourable Sir Henry Craik : That is primarily a matter for the Government of Bengal.

Pandit Lakshmi Kanta Maitra : Is the Honourable Member aware that there is a press officer in Bengal and rigid censorship is applied there and complaints against the lawlessness of the military cannot find a place in the papers ?

The Honourable Sir Henry Craik : I am not aware of that. In any case, there are other avenues of making complaints besides the press.

Pandit Lakshmi Kanta Maitra : Do I understand from the Honourable Member that he is not aware that there is a press officer in the Government of Bengal who censors all news about the activities and lawlessness committed by the military people in the village areas ?

The Honourable Sir Henry Craik : There is certainly a press officer in Bengal.

Pandit Lakshmi Kanta Maitra : Is it not a fact that this press officer immediately censors all news concerning these military people ?

The Honourable Sir Henry Craik : I am not aware of that.

Pandit Lakshmi Kanta Maitra : And is it not a fact that all information about detenus and military people is rigidly banned by the press officer in Bengal ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has answered that question.

Mr. Mohan Lal Saksena : Is the Honourable Member aware that complaints were received by the convener of the committee appointed by the Congress Party and they were taken away by the police in Bengal ?

The Honourable Sir Henry Craik : Why should I be aware of that ?

Mr. Mohan Lal Saksena : Is the Honourable Member aware that complaints were received from this very district by the convener of the Committee appointed by the Congress Party in this Assembly, that his papers were left in Calcutta for being verified and that these papers were taken from the person with whom they were left and he was arrested ?

The Honourable Sir Henry Craik : The Honourable Member was himself, I understand, the convener. So, he can answer the first part of that question himself. As regards the second part, all I know is this, that the person with whom these documents were left was arrested for connection with a terrorist conspiracy of some kind, and, in the search of his house, certain papers were found and the police took possession of them.

Mr. Mohan Lal Saksena : Will they be returned to me ?

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

STAFF OF THE OFFICES OF THE DIRECTOR OF WAGONS INTERCHANGE AND INDIAN RAILWAYS CONFERENCE ASSOCIATION TRANSFERRED TO DELHI.

48 ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to state whether the original office of the Director of Wagons Interchange was located in Allahabad ?

(b) If so, will Government be pleased to state if they are aware that the removal of the said office to Delhi has proved to be convenient for the working hands in the office ?

(c) Will Government be pleased to state if the office of the Indian Railway Conference has been removed from Agra to Delhi, and if they are aware that this has caused inconvenience to numerous working hands ?

(d) Is it a fact that the offices of the Director, Wagons Interchange and the Indian Railway Conference, have been amalgamated and renamed " Office of the General Secretary, Indian Railways Conference Association " ?

(e) Will Government be pleased to state if the proposal of the removal of the office to Delhi was made by Mr C V. Bliss, General Secretary of the Indian Railways Conference Association, in 1930 and was given effect to against the vote of the majority of members present, and against vehement protests from various Railway companies ?

(f) Is it a fact that the majority of the staff were locally appointed men, having their dwelling houses in the station of their appointment ?

(g) Will Government be pleased to state if any extra allowance has been granted to the staff on their removal to Delhi, where they have to pay house-rent and other extra expenses ?

(h) Will Government be pleased to state if any sort of allowance in the shape of house allowance, increment in pay and other necessary expenses for removal, has been granted to this staff as is customary with other offices ?

(i) Is it a fact that the staff is given a meagre salary—Rs 60 being the maximum ?

(j) Is it a fact that living at Delhi is more costly than at Allahabad, and will Government be pleased to state if they are aware that in consequence of this shifting and of there being no increase in their pay or no grant of any allowance in any shape, these poor people in the department are hit hard ?

(k) Will Government be pleased to state how many representations were made by the aggrieved staff to the General Secretary for the redress of their grievances and why they have not received any consideration ?

(l) Is it a fact that the officers getting fat salaries get house allowance also, while clerks drawing small salaries get no such allowance ?

(m) Is it a fact that most of the clerks who have been shifted from Allahabad and Agra are suffering from malaria and other epidemics in Delhi, and are Government aware that this has added to their expenses on account of extra medical help ?

(n) Are Government aware that these clerks have to suffer from pay-cuts which, along with their poor income, do not enable them to make both ends meet ?

Mr. P. R. Rau : (a), (b) and (c). Both the offices mentioned were transferred to Delhi in 1930. Some complaints that this transfer has caused inconvenience to the staff have been received.

(d) Yes.

(e) No. The Association decided on the transfer of headquarters in 1927.

(f) The staff have been recruited from railways and locally at the headquarters of the Association.

(g) Government have been informed that prior to and in view of the proposed transfer of the headquarters of the Association from Allahabad to Delhi the scales of pay of the staff were revised and a considerable increase was made in the maximum rates of pay, particularly in the lower grades.

(h) At the time of the transfer, an advance (recoverable in instalments) of two months pay (which was extended to four months' pay in special cases) was granted to the staff in addition to the travelling concessions usually admissible.

(i) Rs. 60 is only the maximum of the lowest grade of the subordinate staff.

(j) I am unable to verify these statements.

(k) I understand that since the transfer to Delhi, eleven complaints have been received from the staff from time to time and have received the consideration of the Association.

(l) Two of the junior officers of the Association were granted a fixed personal allowance.

(m) Government have no information.

(n) The emergency cut in pay was imposed on the staff of the Association in the same way as on railway employees generally and has been withdrawn similarly.

NON-OBSERVANCE OF CERTAIN HOLIDAYS IN THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION, DELHI.

49. ***Mr. Amarendra Nath Chattopadhyaya** : Is it a fact that the office of the Indian Railways Conference Association, Delhi, is kept open even on *Holi* and *Dewali* festival days of Hindus, and their religious susceptibilities are not respected by the authorities concerned ?

Mr. P. R. Rau : With your permission, Sir, I propose to deal with questions Nos 49 and 50 together. The Indian Railways Conference Association is an autonomous body, not under the control of Government in these matters and the Fundamental Rules and other similar orders relating to Government servants do not apply to them.

Pandit Lakshmi Kanta Maitra : What are the rules which govern these railway associations in the matter of leave, and so on.

Mr. P. R. Rau : They have their own rules.

Mr. N. M. Joshi : Who finances these railway conference associations ?

Mr. P. R. Rau : It is financed by contributions from the members of the Association.

Mr. N. M. Joshi : May I ask whether the members pay from their personal salaries or from the different railways.

Mr. P. R. Rau : The members are the railways concerned

Mr. N. M. Joshi : May I ask whether Government cannot have any control over this conference in this matter ?

Mr. P. R. Rau : Government do not propose to have any control over the minor domestic affairs of this association.

Mr. N. M. Joshi : May I ask, when the Government of India spend the whole amount of money for this purpose, why they should not control the association in the matter of securing fair conditions for the employees ?

Mr. P. R. Rau : The Honourable Member seems to be under a misapprehension. This is not a branch of the Government. There are a number of railways that are members of the association who have nothing to do with Government.

NON-OBSERVANCE OF FUNDAMENTAL RULES IN THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION, DELHI.

†50 ***Mr. Amarendra Nath Chattopadhyaya** : (a) Is it a fact that Fundamental Rules are not strictly observed in the office of the Indian Railways Conference Association, Delhi ?

(b) Is it a fact that the clerks do not get facilities for leave also ?

REMOVAL OF THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION TO ALLAHABAD.

51 ***Mr. Amarendra Nath Chattopadhyaya** : (a) Will Government be pleased to state if the Railway Board propose to purchase the Secre-

†For answer to this question, see answer to question No. 49.

tariat building at Allahabad, which will fall vacant on the removal of the secretariat to Lucknow ?

(b) If so, will Government be pleased to state if the office of the Railways Conference Association will be removed from Delhi to Allahabad again ?

Mr. P. R. Rau : (a) No.

(b) Does not arise.

RECRUITMENT OF TEMPORARY ASSISTANT EXECUTIVE ENGINEERS ON THE
EASTERN BENGAL RAILWAY.

52. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to state if it is a fact that two temporary Assistant Executive Engineers are going to be appointed on the Eastern Bengal Railway during the year 1935-36 ?

(b) If so, will Government be pleased to state if it is a fact that there are a large number of Sub-Engineers on the Eastern Bengal Railway, who have been acting for a long time as Sub-Divisional Officers ?

(c) If so, will Government be pleased to state if the Eastern Bengal Railway Administration is going to promote them to the newly created posts of Assistant Executive Engineers, or to recruit direct from outsiders ?

Mr. P. R. Rau : (a) The Government are not aware of such a proposal.

(b) Three Sub-Engineers have officiated from time to time as Sub-Divisional Officers.

(c) In filling any vacancies that may occur in the Lower Gazetted Service of the Eastern Bengal Railway, I have no doubt the Administration will consider the claims of Sub-Engineers along with those of others.

FILLING UP OF THE POSTS OF SUB-DIVISIONAL OFFICERS ON THE EASTERN
BENGAL RAILWAY.

53. ***Mr. Amarendra Nath Chattopadhyaya :** Will Government be pleased to state if it is a fact that the cases of Sub-Engineers were not considered in filling up the posts of Sub-Divisional Officers in the Engineering Department of the Eastern Bengal Railway ? If so, why ?

Mr. P. R. Rau : With your permission, Sir, I propose to reply to questions Nos. 53 and 54 together.

Government have no information, but are making enquiries and will lay a reply on the table in due course.

FILLING UP OF THE POSTS OF SUB-DIVISIONAL OFFICERS ON THE EASTERN
BENGAL RAILWAY.

†54. ***Mr. Amarendra Nath Chattopadhyaya :** Are Government aware that on the Eastern Bengal Railway, men from the rank of Permanent Way Inspectors have been promoted to the posts of Sub-Divisional

*For answer to this question, see answer to question No 53.

Officer ? Had they any practical knowledge in roads and building construction or had they received any education from an Engineering College ? If not, why were they so promoted ?

NON-FILLING UP OF VACANCIES IN THE ENGINEERING DEPARTMENT OF THE
EASTERN BENGAL RAILWAY

55. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to state if it is a fact that the ministerial staff of the Engineering Department on the Eastern Bengal Railway submitted a representation to the Chief Engineer, Eastern Bengal Railway, complaining that the existing vacancies in the Department were not filled up for a long time ?

(b) If so, will Government be pleased to state what action has been taken on the representation ?

Mr. P. R. Rau : (a) Yes

(b) The vacancies have been filled

VENDING CONTRACTS ON THE EAST INDIAN RAILWAY.

56 ***Mr Amarendra Nath Chattopadhyaya :** (a) Will Government be pleased to lay on the table a statement showing the names of the contractors who were allowed to vend all sorts of food-stuffs, stationeries, toys and fruits, drinks and tea, and other miscellaneous articles up to the 31st March, 1934, on the East Indian Railway up to Dinapore Division and the loopline up to Kiul ?

(b) Will Government be pleased to lay on the table the complaints received from the passengers against supply of articles of food, drinks, such as tea, (i) as to quality of food-stuff, or (ii) quality of other things sold at the Railway stations, (iii) prices of food-stuff and drink, (iv) behaviour of vendors, (v) acts of dishonesty on the part of vendors, and (vi) indifference on the part of contractors or any negligence on their part for which passengers suffer ?

(c) Will Government be pleased to lay on the table a copy of the agreement between the Railway Company, and the contractors, who were allowed to arrange for vending on platform up to the 31st March, 1934, in the above two divisions ?

(d) Will Government be pleased to state whether it is a fact that the contractors who were supplying food-stuff and drinks and other articles have been given notice of the termination of their contract ? If so, why ?

(e) Will Government be pleased to state if it is a fact that one, Ballavdas Issardas, has been given contract for vending all sorts of things and food-stuff for Hindus and Mussalmans under the new agreement since 1934 ?

(f) Will Government be pleased to lay on the table a true copy of the aforesaid agreement ?

(g) Will Government be pleased to state if there are any complaints against the vendors of all these things, such as food-stuffs, drink and other articles regarding (i) price, (ii) conduct of vendors, or (iii) dishonesty on the part of vendors, under the present system of contract in Howrah and Dinapore Divisions ?

(h) Will Government be pleased to state if the contractors who catered up to the 31st March, 1934, belonged to the retired Railway Staff ?

(i) Will Government be pleased to state, if by giving a monopoly of this vending on Railway platforms in the Howrah Division, i.e., up to Jamalpore (East Indian Railway) to Ballavdas, several contractors have been thrown out of employment ? If so, why has this been done and how many men have been thrown out of employment and deprived of their income ?

Mr. P. R. Rau : I assume that the Honourable Member's question refers to the Howrah and Dinapore Divisions. If this is correct,

(a) On the Howrah Division, petty vendors were displaced in 1932 by an area contractor, i.e., Messrs Ballavdas Issardas at stations Bandel to Syaria, and Burdwan to Jamalpur, including the Barharwa Bandel loop and branches. I am placing on the table a statement showing the names of those who held vending contracts during 1933-34.

On the Dinapore Division, petty vendors were displaced by area contractors during the months of March and April, 1934. The names of the vendors displaced are not readily available.

(b) Government regret that they cannot collect the information required as this would involve an exhaustive investigation into past records.

(c) and (f). I am placing in the Library of the House a copy of the agreement which was being executed by petty vendors and of those that have been executed by Messrs Ballavdas Issardas for contracts on the Howrah and Dinapore Divisions. The agreements with other area contractors were drawn up on similar lines.

(d) and (i). The vendors who were displaced by area contractors were given notice. It was found difficult to obtain the required standard of cleanliness and catering with petty vendors. The number displaced was 97.

(e) Messrs Ballavdas Issardas have contracts for vending Hindu food-stuffs and other articles in the Moghalsarai and Gaya areas of the Dinapore Division and for vending Hindu and Muslim food-stuffs and other articles at the stations referred to in my reply to part (a) of this question, and also for a sweetmeat and tea stall at Howrah station.

(g) The Agent states that there have been some complaints.

(h) Some of the petty vendors who were displaced were *ex-railway* employees.

VENDING ARRANGEMENT OF HOWRAH DIVISION FOR 1933-34.

Name of Vendor or Contractor	Station.	Articles sold.
Hindu Refreshment Room. (Proprietor M. M. Das).	Howrah	Indian refreshment of all kinds for Hindus
Mohd. Refreshment Room (Pro Isa Bros.)	Do	Indian refreshment of all kinds for Mohammedans.
G. C. Chakrabarty. (Cancelled—Now taken over by Ballabhadras Ishwardas)	Do	Sweetmeat, card, milk, zila, gaja, balusai, laddoo, dalpuri, (cooked in oil) cheera, puri, battasa, chatoo, bhaja, murki, kham, cigarettes
Ballabhadras Ishwardas	Do	Biscuits, cake, tea, etc
Ah Hossain Khan	Do.	Tea, cakes, mutton, fowl preparation, paista, pheim, bread, butter, betel and cigarettes.
Saroda Prosad	Do.	Ground nuts, roasted rice, betel cigarettes and fans
M/S Dutta Bros	Do	Tea, biscuits, bread and butter
Rahamat Khan	Do.	Tea, biscuits, cakes, cigarettes, biri and matches
N. N. Das & Son	Do	Fruits, betel, biri, cigar, cigarettes, matches and pankhas
Ishar Singh & Son	Do.	Betel, pan, cigarettes, matches, and fruits on platform; betel, pan, cigarettes, and matches in south concourse; tea, sweets, fruits, betel, biri, oilcooked food on for shore pavement, the cab and the Lorry stand
Ballabhadras Ishwardas	Howrah (Clerks' Tiffin Room)	All kinds of Indian food.
Basanta Kumar Ghose	Belur	Sweets, fruits, betel, cigarettes and matches
K. S. Banerjee	Dankuni	Betel, biri and matches.
U. N. Santra	Begunpur	Sweets, fruits, betel, cigarettes and cigar
Sudhir Ch. Paul	Manirampur	Fruits, betel, biri and cigarettes.
N. L. Modhak	Chandanpur	Sweets, fruits, betel, biri, cigarettes and matches
K. P. Modhak	Belmuri	Betel, biri, matches and sweets.
M. N. Ghose	Mosagram	Sweets, betel, biri, cigarettes.

Name of Vendor or Contractor.	Station.	Articles sold.
J. N. Shaw	Seerampore ..	Tea, coffee, fruits, betel, biri, cigarettes, oilcooked food.
K. D. Chatterjee .. .	Sheoraphuh .	Sweets, tea, fruits, betel, cigarettes and punkhas.
C. M. Banerjee . ..	Do .	Fruits, beguni, ghooghni, jhalbara, dalpuri, bhujia (cooked in oil), pan, biri, and cigarettes.
A. C. Dutta	Kamarkundu ..	Sweets, fruits, betel, cigarettes and matches.
K. M. Muherjee .. .	Do .	Tea, biscuits, toasts, cigarettes and biri.
Panchanan Das . ..	Harpal ..	Fruits, betel, cigarettes and matches
S. C. Das	Do. ..	Tea, breads, biscuits and cakes.
Khedan Shaw	Tarakeswar ¹ ..	Betel, cigar, cigarettes and matches
Badri Shaw	Do. ..	Sweets, oilcooked articles, biri, milk, fruits and tobacco.
Dwarka	Bhadreswar ..	Fruits, betel, cigarettes and matches.
Khuban Mistry	Chandernagore ..	Fruits, betel, cigarettes, biri and matches.
Aghornath Ghose	Do. ..	Fruits, betel, cigar, biri, cigarettes, matches and punkhas.
Jamuna . . .	Chinsurah .	Fruits, sweets, betel, cigarettes, matches, cigar, golapi biri
M/S Ballabhadras Ishwardas ..	Bandel to Oyaria both inclusive, Burdwan to Jamalpur both inclusive including BAK Section and Branches	(1) Hindu and Mohamedan Refreshment Room at Burdwan. (2) Tea for Hindu and Mohamadan in the area. (3) Vending of Indian sweets, food-stuff and fruits over the area (4) Sale of pan, biri and cigarettes over the area (5) Miscellaneous articles

Pandit Lakshmi Kanta Maitra : May I ask the Honourable Member whether the whole question of contracts has not been hanging fire for some time past, and that the Honourable Member was put several questions during the Delhi Session, and he promised that the whole subject of contractors would be looked into and decided? Is the Honourable Member in a position to say when these old food-stuff vendors will be re-instated, without calling for tenders?

Mr. P. R. Rau : As the House is aware, we had asked all the railway administrations to let us have reports on the system of vending

contractors in each railway together with the advice of their local advisory committees in this matter. I understand that the replies have since been received and they consist of about 398 pages. The Railway Board are considering the whole question now and will probably place the matter for advice before the Central Advisory Council for Railways ?

Pandit Lakshmi Kanta Maitra I hope the Honourable Member knows it as a fact that the Advisory Council of the East Indian Railway has decided that the contracts should be given to the old vendors ?

Mr. P. R. Rau : The views of the Advisory Committee members are very divergent

Pandit Lakshmi Kanta Maitra : The majority favour the re-instatement of the men who have been displaced ?

Mr P. R. Rau . I am afraid I cannot verify that statement

Pandit Lakshmi Kanta Maitra : Will the Honourable Member take pains to verify whether it is a fact or not that the majority of the members of the Advisory Council of the East Indian Railway had decided that the old contracts should be let out to the old people now displaced ?

Mr. P. R. Rau . Certainly, Sir, all the views expressed by members of these local Advisory Committees will be taken into consideration when the question is being decided.

Pandit Lakshmi Kanta Maitra And I am sure the Honourable Member realises that the travelling public as well as the contractors and vendors are concerned in this matter, that there is a keen feeling over it, and that the matter is not a very light one ?

Mr. P. R. Rau . I quite realise, Sir, that a keen feeling exists among the displaced vendors, but I am not aware that such a keen feeling exists among the travelling public (Laughter)

ALLEGATIONS AGAINST ONE BALLAVDAS ISSARDAS, VENDING CONTRACTOR FOR RAILWAY STATIONS FROM HOWRAH TO BANDEL.

57 **Mr Amarendra Nath Chattopadhyaya** : (a) Will Government be pleased to state whether there were any complaints against those contractors who had been supplying tea and confectionary for the past 18 years to the public and passengers at stations from Howrah, East Indian Railway, up to Bandel ? If not, why has the contract for the same area now been given to one Ballavdas Issardas ?

(b) Is it a fact that the old contractors, Messrs Dutta Brothers, had been catering tea and confectionaries all these years and had to invest several thousand rupees in this business ?

(c) Did they not approach the Railway authority with their petition to the Divisional Superintendent, Howrah, on the 24th July, 1934 ?

(d) Did the Agent receive the application ? If so, what action did he take thereon, and what was his reply ?

(e) Was the price of tea and confectionaries, supplied by Messrs. Dutta Brothers, high and quality of tea and confectionaries bad ?

(f) Did Government get any complaints from the passengers or public against Messrs. Dutta Brothers ?

(g) Is it a fact that the District Medical Officer, Gaya, after receiving several complaints against food-stuff, specimens of which were supplied to him for examination by the Assistant Station Master, C. Blanchette, on the 10th August, 1934, reported that the sweet-meats sent for examination were not fit for human consumption ?

(h) Is it not a fact that in spite of the assurance from the manager of the contractor, Ballavdas Issardas, sweet-meats taken for examination on the 25th August, 1934, by the same Medical Officer, were declared to be unfit for use ?

(i) Is it a fact that the same Medical Officer stated that the vendors of Ballavdas Issardas and others' managers were persistently ignoring the warning of the station staff and Medical Department, and that some sort of adequate action is necessary to bring to their notice that this will not be allowed to be a cause of an out-break of cholera in their colony which had up to that time practically escaped it, *vide* minute sheet No. 1f (Lab.) | 2 of the 28th February, 1935 ?

(j) Will Government be pleased to state whether the same Medical Officer gave a bad report on milk supply in his minute sheet No. 1f (Lab.) | 3 of the 7th September, 1934 ?

(k) Will Government be pleased to state if the same Medical Officer complained against vendors in his minute sheet No. 1f (Lab.) | 2 of the 11th September, 1934 ?

(l) Will Government be pleased to lay on the table a copy of the complaints against the vendor of the said contractor, Ballavdas Issardas, by the crew staff, the Government Railway Police, Gaya, as contained in their diaries, D. S. Office and public ?

(m) Will Government be pleased to state what steps have been taken against the vendors and the contractor on account of such complaints ?

(n) Will Government be pleased to state what steps have been taken to redress the grievances and complaints regarding deterioration in quality, and enhancement of price, of food-stuff supplied by the present contractor, on the complaints by Mr. R. C. Pandit, General Manager, Bank of Behar ?

(o) Is it not a fact that four of the Indian Members out of the six of the Railway Advisory Committee were of the opinion that the present system of contract should be abolished and licence should be granted to different vendors under different contractors, as was the arrangement previously, and that the licence for refreshments for Hindus should be given to Hindus and for refreshments for Muslims to Muslims ?

(p) Is it not a fact that the Railway Advisory Committee recommended that one man should not be given the licence for several stations, or several articles ?

(q) Will Government be pleased to state why in spite of such complaints against Ballavdas and Issardas, the Railway authorities are allowing their contract to continue ?

Mr. P. R. Rau : (a) The Agent states that there were frequent complaints. Messrs. Ballavdas Issardas have, however, not been given the contracts for this section.

(b) Messrs. Dutta Brothers have been contractors for tea, etc., at Howrah station since July, 1917, and still hold the contract. The Administration have no information as regards the amount invested by the contractors in this business.

(c) and (d). The Agent states that there is no trace of any such petition.

(e) The prices were fixed by the Administration who do not consider that they were high, and are not able to trace any complaints.

(f) No.

(g) to (k). Yes.

(l) No complaints by the crew staff can be traced, but the Agent has sent me a copy of the correspondence with the Government Railway Police which I can show to the Honourable Member at any time convenient to him.

(m) No action was taken at the outset, as, in the opinion of the Agent, it was desirable to give the Area Contractors an opportunity to settle down to their work. It was also considered likely that most of the complaints were being engineered at the instance of those vendors who had been displaced. Government are informed, however, that when complaints were substantiated, punishments were inflicted.

(n) Two complaints were made by Mr. Pandit, and in both cases punishments were inflicted.

(o) to (q) I am placing on the table an extract from the minutes of the discussion on this subject which took place at a meeting of the Calcutta Advisory Committee on the 24th November, 1933, where it is stated that the meeting agreed generally with the proposed policy of the administration.

Single contract for refreshments and other articles at stations :

Maulvi Abul Kasem had complained that the system of granting the monopoly on a division for the sale of refreshments and other articles at stations was unsatisfactory and furthermore, it was objectionable to give the Mohammedan Refreshment Rooms to a Hindu for management. It was explained to the meeting that it was proposed to continue to grant extended contracts but to a much more limited extent than has been done on the Howrah Division. It was proposed that the contract would be for all sales at a large station and would include an area of say 25 to 30 miles from this station, and stations would have separate Hindu and Mohammedan food vendors.

The Chairman further explained that the Administration was not in favour of throwing such contracts open to tender. It was however, agreed that applications should be called for by the Divisional Superintendent so as to ensure that all suitable contractors were given the opportunity of being able to apply for such contracts. The meeting agreed generally with the proposed policy of the Administration.

Prof N. G. Ranga : When reviewing this whole question of the sale of food-stuffs, will Government consider the advisability of selling these food-stuffs through their own railway authorities ?

Mr P. R. Rau : I do not think, Sir, that that is really a thing which will be financially in the interests of the railways.

SUB-LETTING OF VENDING CONTRACTS ON THE EAST INDIAN RAILWAY.

58 ***Mr. Amarendra Nath Chattopadhyaya :** (a) Is it a fact that it is stated in the agreement of the vending contract for food and other stuff at Railway stations that the contractors cannot sublet their contracts ? If so, will Government be pleased to state if the following persons are sub-contractors at the stations standing against their names :

<i>Station</i>	<i>Contractors.</i>
Moghalsarai .	.. Mangal Chand, Hanuman, Mangroo, Mahadeo ;
Buxar ..	.. Thakon, Chauroo, Babuameah, Chakan ;
Behea ..	.. Dasrath ;
Arrah ..	.. Dhopuaran ;
Dinapore .	.. Mangal, Bansi and others ,
Patna Junction	.. Bhiconmoon, Nathuni, Mangal, Yusuf, Habib Omar Meah ;
Kiul ..	. Baijnath, Ghasita Girdhari, Jugal, Faudar Rosan ;
Jhajha ..	.. Baijnath Shew ;
Jehanabad ..	.. Khedaran and others ,
Gaya ..	. Lahori, Somaroo and others ,
Palmergunge ..	.. Bishnu ,
Rafigunge ..	.. Dewa : and
Sasaram ..	.. Laghunandan ?

(b) Was Mr Pandey's contract cancelled on the grounds of giving sub contract at Kiul Junction in the Dinapore Division, East Indian Railway, on the report of Mr Stoon, D. I., in 1930 ?

(c) Is it a fact that previously a contractor's term could be terminated at a month's notice, and that it requires six months' notice at present ? If so, will Government state the reasons for this privilege ?

(d) Is giving sub-contract a condition for the termination of contract ? If so, is it not necessary that the agreement of the contractor, who has given sub-contract, should be terminated without any notice ?

(e) Is it not a fact that sub-letting by the contractor Ballavdas Issardas, has been proved beyond any shadow of doubt ? If so, do Government propose to take immediate steps to terminate the contract of Ballavdas Issardas and revert to the former practice in the matter of giving out contracts ?

(f) Will Government be pleased to lay on the table the opinions and statements of the Agent of the East Indian Railway on the petitions made by the old contractors and on complaints made by the passengers and also by the public and the Medical Officers ?

(g) Will Government be pleased to state who was Mr. Marriot who made all these new arrangements for contracts ?

(h) Is it a fact that he is going to be the Divisional Superintendent at Allahabad and, simultaneously with his appointment at Allahabad, it is rumoured that the same policy of giving out contracts monopoly is in contemplation ? If so, do Government propose to take steps to stop such an evil process ?

Mr. P. R. Rau : (a) The reply to the first part is in the affirmative. As regards the second part, enquiries are being made.

(b) Yes, on the report of a Transportation Inspector in 1927.

(c) Yes, as it is considered desirable where considerable capital is involved and elaborate arrangements made at a large number of stations that the contractors should have reasonable notice to enable them to liquidate their stock-in-trade, fittings, etc.

(d) The reply to the first portion is in the affirmative. As regards the second, discretion vests in the Administration.

(e) The Administration state that they have no evidence to show that Messrs. Ballavdas Issardas have sub-let their contract. Prices are fixed in consultation with the local civil authorities. Government see no reason to interfere with the Administration's discretion in this matter.

(f) Government are not prepared to call for opinions or statements recorded on their office files by administrative officers on railways.

(g) and (h) Mr Marriot was formerly Divisional Superintendent at Dinapore and is now Divisional Superintendent at Allahabad. Government have no knowledge of the rumour referred to.

Prof. N G. Ranga : Have Government made experiments anywhere on their railways to ascertain whether it is not in the financial interests of the railways that a departmental supply of food-stuffs should be made ?

Mr. P R. Rau : Sir, the business of the railways is transport, and not providing refreshments (Laughter.)

Prof. N G. Ranga : Sir, is it not part of that transport business that a supply of food-stuffs also should be made ?

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. The Honourable Member cannot discuss the details of the railway administration

SETTING UP OF COMMITTEES TO WATCH THE FLUCTUATIONS IN THE PRICES OF ARTICLES OF FOOD AND PURITY OF THEM ON RAILWAY STATIONS.

59. ***Mr. Amarendra Nath Chattopadhyaya :** Are Government prepared to set up different committees of five or seven members consisting of local public and the Railway Station Masters, Superintendents and Medical Advisers, at all big stations to constantly watch the fluctuations in the prices of the articles and purity thereof, and see that the individual contractors do not create difficulties in the supply of food, drink and other articles to the passengers ?

Mr P R. Rau : The suggestion is under consideration.

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FACILITIES GIVEN TO THE NEW VENDING CONTRACTORS AT RAILWAY STATIONS
ON THE EAST INDIAN RAILWAY.

60. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Is it a fact that new vending contractors at railway stations on the East Indian Railway are given passes of all classes, while old contractors were never allowed any such concession ? If so, why ?

(b) What is the amount the new contractors pay to the railway on account of the contract ? Is it higher than the old rate ?

(c) Is it a fact that the new contractors have not got to pay any freight on their luggage of food-stuffs carried from station to station ? If so, why ?

(d) Will Government be pleased to state the difference in incomes derived under the new system of contracts and the old system ?

(e) Is it a fact that the new contract agreement has expired on the 31st March, 1935 ? Do Government propose to discontinue it ? If not, are Government prepared to terminate the contract by a month's notice and invite fresh tenders of the old contractors and start again the old system ?

Mr. P. R. Rau : (a) The Agent explains that Area Contractors are given passes as they have to supervise catering arrangements at a number of stations within the areas allotted to them.

(b) Government are informed that no licence fee is paid, but if hawkers are employed hawking fees, which vary at different places, are paid.

(c) A certain number of passes are allowed for the carriage of *bona fide* provisions within a specified weight limit. I am obtaining from the Agent, East Indian Railway, particulars of what these limits are and am enquiring why it has been considered desirable to issue such passes.

(d) The information is being obtained.

(e) Contracts were entered into on different dates for a period of one year, and automatically continue thereafter subject to six months notice of termination. The Agent, East Indian Railway, states that the present arrangement has not been a failure and he does not propose to alter it at present.

TRANSFER OF OFFICES OF THE DIRECTOR OF WAGONS INTERCHANGE AND THE
INDIAN RAILWAYS CONFERENCE ASSOCIATION TO DELHI.

61. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Is it not a fact that the office of the Director of Wagons Interchange was located at Allahabad, as it was considered to be a central place and close to the colliery areas, apart from the consideration that the office of the Indian Railways Conference Association was already there ?

(b) Is it not the fact that the Agent, Bengal Nagpur Railway, as well as certain Mining Associations of Bengal, put in a vehement protest against the move of the Indian Railways Conference Association office from Allahabad to Delhi, on the ground that they will be adversely affected by this move, and the Railway Board also discouraged the move

for the reason that, Delhi, being a thickly populated and expensive place, the staff will badly suffer for want of housing accommodation ?

(c) Is it a fact that the United Provinces Secretariat is to be transferred from Allahabad to Lucknow shortly ? If so, will there be accommodation available at Allahabad for Indian Railways Conference Association in the Secretariat building ? If so will Government please state whether they have considered the question that the Indian Railways Conference Association office may be sent back to Allahabad, instead of erecting a new building for the office and quarters for the staff in Delhi, and thus effecting a great saving ?

Mr. P. R. Rau : (a) When the office was originally created, it was decided, on the recommendation of the Indian Railway Conference Association that the headquarters should be at the headquarters of the Association.

(b) The Agent, Bengal Nagpur Railway, and the Bengal Chamber of Commerce advocated the transfer of the office of the Director of Wagon Interchange to Calcutta. They opposed the transfer of the office to Delhi, but not for the reasons suggested.

(c) The question of the location of the headquarters of the Association is one for the Association itself to decide, and Government see no reason to interfere. The fact that there may be accommodation available at Allahabad cannot be the sole consideration.

PAY OF THE STAFF IN THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION

62. **Mr. Amarendra Nath Chattopadhyaya :** Is it a fact that in the office of the Indian Railways Conference Association, Delhi, there is one subordinate who is getting Rs. 600 and that nearly 70 per cent. of the staff get a meagre salary of Rs. 60 each ?

Mr. P. R. Rau : Government are informed that the Office Superintendent is in receipt of a salary of Rs. 600 per mensem.

Fifty-eight per cent. of the staff are in the grade of Rs. 39—3—60 and 25 per cent. are in the grade of Rs. 65—5—100.

PAY OF THE STAFF IN THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION.

63. **Mr. Amarendra Nath Chattopadhyaya :** (a) Is it a fact that in the office of the Indian Railways Conference Association, Delhi, clerks with ten to twelve years' service at their credit are getting only Rs. 60 and have been blocked at the same pay for several years ?

(b) Is it also a fact that there actually exist vacancies in the upper grades of that office ? If so, what is the reason for the blockade mentioned in part (a) above ?

Mr. P. R. Rau : (a) Yes. This is inevitable as in a small office chances for promotion do not occur often.

(b) Government are informed that the clerks in the grade Rs. 39—3—60 are doing work for which the maximum pay is Rs. 60 per mensem and that the vacancies in the Rs. 65—5—100 grade cannot be

filled until the work of the office justifies the filling of the more responsible posts

Mr. V. V. Giri. Sir, would Government recommend special allowances being granted for those who are blocked in the grades?

Mr. P. R. Rau. Government do not consider that this is a time for the grant of special allowances

PERSONAL ALLOWANCE GIVEN TO THE OFFICERS OF THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION.

64. ***Mr. Amarendra Nath Chattopadhyaya :** Will Government please state why officers of the office of the Indian Railways Conference Association are paid house allowance, in the shape of personal allowance, and why poor clerks are not paid the allowance?

Mr. P. R. Rau The officers have been given an allowance to compensate them for the higher rents for accommodation prevailing at Delhi. Their pay was not revised when the office was moved to Delhi. Government understand that no allowance is granted to clerks because of the fact that prior to and in view of the proposed transfer of the Headquarters of the Association from Allahabad to Delhi, the scales of pay of the subordinate staff were revised and a considerable increase was made in the maximum rates of pay, particularly in the lower grades. Clerks belonging to the local railway offices draw no house allowance.

STAFF OF THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION, DELHI

65. ***Mr. Amarendra Nath Chattopadhyaya :** Will Government be pleased to lay on the table a list of subordinate staff of the headquarters office of the Indian Railways Conference Association at Delhi showing their grades, present pay and date of appointment?

Mr. P. R. Rau : A copy of the seniority list of the staff has been kept in the Library of the House

STAFF OF THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION, DELHI.

66. ***Mr. Amarendra Nath Chattopadhyaya :** Will Government be pleased to lay on the table a list, certified by the District Medical Officer, North Western Railway, Delhi, of the staff of the office of the Indian Railways Conference Association, Delhi, who have been suffering from malaria and other epidemic diseases ever since their transfer to Delhi?

Mr. P. R. Rau No, Sir, Government do not consider that such statistics are worth the labour and expense involved in collecting and publishing them in the debates of this House

TRANSFER OF THE OFFICE OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION TO DELHI.

67. ***Mr. Amarendra Nath Chattopadhyaya :** Will Government be pleased to state why the Indian Railways Conference Association was

moved from Allahabad to Delhi, and in what respect the Association has benefited since its transfer to Delhi ?

Mr. P. R. Rau. The office of the Association was moved for administrative convenience. Agents of Railways have frequently to visit Delhi, as the headquarters of Government and the Railway Board, and consequently the General Secretary of the Association, if located at Delhi, is able to keep in closer personal touch with the railways. Considerable saving of expenditure was also anticipated by having the Director of Wagon Interchange in close touch with the Clearing Accounts Office.

GRIEVANCES OF THE STAFF OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION, DELHI.

68. ***Mr. Amarendra Nath Chattopadhyaya :** Is it a fact that out of 32 per cent. of the staff of the Indian Railways Conference Association, Delhi, occupying Government quarters, the majority is paying scheduled rent which almost comes to 20 per cent. of their salaries ? If so, will the Member in charge of Railways be pleased to state if any grievance in any shape from any of the staff had been put in ? If so, was any action taken to redress the grievance ?

Mr. P. R. Rau. Government are informed that 32 per cent. of the staff of the Indian Railways Conference Association are occupying Government quarters and are paying under ordinary rules the scheduled rent which ranges from 18 to 12.5 per cent. of their salaries. Representations have been made that the rent chargeable should be limited to 10 per cent. of pay as for Government servants but this recommendation was not accepted as the staff are not Government servants.

NON-GRANT OF TRANSFER CONCESSIONS TO THE STAFF OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION.

69. ***Mr. Amarendra Nath Chattopadhyaya :** Is it a fact that the staff of the Railway Clearing Accounts Office were granted two advance increments, *plus* two months' salary as bonus (*i.e.*, establishment breaking charges) and also expenses for shifting their luggage and family on their transfer from Lahore to Delhi ? If so, why were the same privileges not given to the staff of the Indian Railways Conference Association, in spite of their repeated request for the same, in view of change of province and increased expenses caused by their transfer ?

Mr. P. R. Rau. The reply to the first part of the question is in the negative. An advance of two months pay and travelling allowance were granted to the staff of the Railway Clearing Accounts Office. A personal pay of ten per cent. to be absorbed in future increments was also allowed to those who elected the Clearing Accounts Office scales of pay. Government understand that the staff of the Indian Railways Conference Association were also granted an advance of two months pay generally, and four months pay in special cases. They were granted, in addition, the usual travelling concessions.

NON-REVISION OF THE PAY OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION STAFF

70. ***Mr. Amarendra Nath Chattopadhyaya :** Is it a fact that the grades of subordinate staff of Railway Clearing Accounts Office and

Divisional Superintendents' Office, Delhi, have recently been revised and raised from Rs. 60 to Rs. 90 with effect from 1st January, 1935, but nothing has been done in the case of the Indian Railways Conference Association staff ?

Mr. P. R. Rau : The Railway Clearing Accounts Office, classes III and II of clerks on scales Rs. 40—4—80 and Rs. 60—5—90, respectively, were amalgamated into a single class on a scale of Rs. 40—4—80—5—90 with an Efficiency Bar at Rs. 80. I am not aware of any recent change in scales of pay in the office of the Divisional Superintendent.

GRANT OF CERTAIN FACILITIES TO THE INDIAN RAILWAYS CONFERENCE
ASSOCIATION STAFF.

71. *Mr. Amarendra Nath Chattopadhyaya : Is it a fact that the majority of the staff of the Indian Railways Conference Association have to take loan after loan to meet their hardships caused by the move of this office, as well as due to the emergency cut being enforced soon after their transfer to Delhi ? If so, are Government prepared to waive the recovery of the money advanced to them under "relaxed rules", which they had to borrow during their hardships and emergency cut period, and compensate those who had not taken a loan to that extent in order to reduce their losses to a certain extent ? If not, why not ?

Mr. P. R. Rau : Government understand that loans from balances at their credit in the Provident Fund have been granted from time to time. Waiving recovery of these amounts will not help the staff in any way, the amounts recovered are credited to their accounts.

SALARIES OF THE INDIAN RAILWAYS CONFERENCE ASSOCIATION STAFF.

72. *Mr. Amarendra Nath Chattopadhyaya : (a) Is it a fact that prior to the move of the Indian Railways Conference Association from Allahabad to Delhi the majority of the staff were getting a poor salary, Rs. 52 being the maximum, and it was raised to Rs. 60 by annual increments of Rs. 2 to 3 in view of this move ?

(b) Is it a fact that lacs of rupees are sanctioned every year for the establishment expenditure of the Indian Railways Conference Association, but only a meagre portion of the amount goes towards the salaries of the poor clerks, and the rest goes towards the salaries and travelling allowance of the officers ?

Mr. P. R. Rau : (a) I would invite the Honourable Member's attention to the reply which I gave to part (g) of question No. 48. Government are informed that prior to the move of the Indian Railways Conference Association from Allahabad to Delhi there were five grades in the lowest cadre of the three branches of the Association's office as under :

Rs. 44—4—52.

35—4—55

42—4—50

34—3—40—4—44

30—4—38

and these were amalgamated into one grade, viz., 39—3—60.

(b) The total expenditure in 1934-35 on establishments was about Rs. 3,68,000 of which about Rs. 1,02,000 was on officers.

Seth Govind Das : Do Government publish the detailed accounts of this Department every year ?

Mr. P. R. Rau : Government do not publish the detailed account, because it is not a Government Department

APPLICATION OF FUNDAMENTAL RULES TO THE INDIAN RAILWAYS CONFERENCE ASSOCIATION STAFF.

73. ***Mr. Amarendra Nath Chattopadhyaya :** Is it a fact that Fundamental Rules are not applied to the staff of the Indian Railways Conference Association, Delhi, where it is considered that their application would be beneficial to them, i.e., in the matter of officiating allowance, etc. ?

Mr. P. R. Rau : As I have explained to an earlier question, the Fundamental Rules are not applicable as the staff of the Association are not Government servants

APPLICATION OF FUNDAMENTAL RULES TO THE INDIAN RAILWAYS CONFERENCE ASSOCIATION STAFF

74. ***Mr. Amarendra Nath Chattopadhyaya :** Is it a fact that the office of the Indian Railways Conference Association is not considered to be a Government Department ? If so, why were the staff subjected to emergency cut and why were the Fundamental Rules applied in the matter of travelling allowance, etc. ?

Mr. P. R. Rau : I have already explained that the emergency cut in pay was made applicable to the staff of the Association in the same way as to railway employees generally. It is open to the Association to adopt rules on the same lines as Government rules.

Mr. V. V. Giri : Will Government recommend to the Association to restore the wage cut ?

Mr. P. R. Rau : It has been restored.

Mr. N. M. Joshi : In view of the fact that most of the money required for this Conference comes from, what I may call, State Railways, why should not Government treat this body as a Government body ? May I know what are the reasons for treating this body as a private body ?

Mr. P. R. Rau : It is not a Government body, because quite a number of the members of the Association belong to private railways with which Government have no concern. Secondly, my Honourable friend must be aware that even the State-owned but Company-managed Railways have got their own rules with regard to leave and travelling allowances and Government do not interfere with them.

Mr. N. M. Joshi : Is it not a fact that the Government of India have got some control over the servants even of the State Railways which are managed by Companies ?

Mr. P. R. Rau : Government determine the maxima.

EXTRA-DEPARTMENTAL POSTAL OFFICIALS.

75. *Mr. Amarendra Nath Chattopadhyaya : With reference to paragraph 34 of the Annual Report of the Indian Posts and Telegraphs Department, will Government be pleased to state how many of the 241 postal officials were extra-departmental ?

The Honourable Mr. D. G. Mitchell : I presume that the Honourable Member is referring to the Annual Report for the year 1933-34. Of the 241 postal officials involved, 84 were extra-departmental agents.

SAVINGS BANK ACCOUNTS AND GOVERNMENT SECURITIES HELD IN CUSTODY OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS

76. *Mr. Amarendra Nath Chattopadhyaya : (a) Will Government be pleased to lay on the table a statement showing, (i) the number of active Savings Bank Accounts as stood on the 31st March, 1931 and on the 31st March, 1934, (ii) the value of Government securities held in custody of the Accountant General, Posts and Telegraphs, on behalf of the depositors on the 31st March, 1931, and on the 31st March, 1934, and (iii) the percentage of increase between the figures for the years 1930-31 and 1933-34 ?

(b) What amount was credited to the postal side as cost of maintenance of the Savings Banks and Government security work in the years 1930-31 and 1933-34, separately ?

(c) On what calculation have these figures been based ?

The Honourable Mr. D. G. Mitchell : (a) A statement giving the information required by the Honourable Member is laid on the table.

(b) The credits afforded to the Posts and Telegraphs Department on account of the cost of management of Post Office Savings Bank and Government security work in 1930-31 and 1933-34 were Rs. 40,61,165 and Rs. 53,72,536, respectively.

(c) The attention of the Honourable Member is drawn to the reply given to part (a) of starred question No. 776 put by Mr. S. C. Mitra in the Legislative Assembly on the 20th March, 1933.

Statement

			No. of Active savings Bank accounts.	Value of Government Securities held in custody of Accountant General, Posts and Telegraphs, on behalf of Savings Bank Depositors.
				Rs.
On the 31st March, 1931	..	..	2,478,000	5,78,43,000
On the 31st March, 1934	..	..	3,089,000	13,39,88,000
Percentage of increase	..	..	24.66	131.64

INADEQUACY OF SELECTION GRADE POSTS IN THE CALCUTTA GENERAL POST OFFICE.

77. ***Mr. Amarendra Nath Chattopadhyaya** : (a) Is it a fact that on the 10th March, 1934, the late Director General of Posts and Telegraphs gave an assurance that he would consider the question of inadequacy of selection grade posts at Calcutta ?

(b) Will Government be pleased to state whether they have considered the question ? If so, have they since arrived at any decision ?

(c) Is it a fact that in the Report on Time Test, Mr. G. V. Bewoor, C.I.E., I.C.S., the present Director General, Posts and Telegraphs, mentioned that 12 Supervisors were justified for the Money Order Department and six Supervisors for the Savings Bank Department of the Calcutta General Post Office ?

(d) Is it a fact that since then the number of clerks in those two departments has increased, but the number of Supervisors has not been increased, as mentioned in part (c) ?

(e) Are Government prepared to consider the question of increasing the number of selection grade posts in these two departments ?

The Honourable Mr. D. G. Mitchell : (a) The fact is not exactly as stated by the Honourable Member. The statement made by the late Director General was as follows : " The principal point made by my Honourable friend, Mr. Mitra, regarding the disparity between Bombay and Calcutta (with regard to selection grade posts) is being examined although I do not necessarily admit that there must be an equality ".

(b) The question has been examined and some additional supervisory posts have already been sanctioned in Calcutta. Further examination of the question is still going on, and the Postmaster General, Bombay, has been asked to justify the number of selection grade posts in Bombay.

(c) Yes, on the basis of the statistics of work then performed in those departments.

(d) The number of clerks in the money order department has increased from 61 to 69 and in the savings bank department from 23 to 34. The supervisory staff in the savings bank department has been increased by two supervisors and it has been decided to increase the strength of the supervisory staff in the money order department by the creation of two supervisors' posts.

(e) In view of the reply given to part (d), Government do not consider that there is at present any necessity for increasing the number of selection grade posts in the two departments.

SELECTION GRADE POSTS IN CERTAIN POSTAL CIRCLES

78. ***Mr. Amarendra Nath Chattopadhyaya** : (a) Will Government be pleased to lay on the table a statement giving the following information :

- (i) the number of selection grade posts of officials in the grade of Rs 250—350 in Bombay, Bombay Circle (excluding Bombay), Calcutta, and Bengal and Assam Circle (excluding Calcutta), separately ;

(ii) the number of selection grade posts in the grade of Rs. 160—250 (including Inspectors of Post Offices) in Bombay, Bombay Circle (excluding Bombay), Calcutta, and Bengal and Assam Circle (excluding Calcutta), separately ; and

(iii) the number of upper division time scale clerks in Bombay, Bombay Circle (excluding Bombay), Calcutta, and Bengal and Assam Circle (excluding Calcutta) ?

(l) Is it a fact that for the purpose of promotion in the grade of Rs. 160—250, all officials in the grade of Rs. 160—250 (including the Inspectors) are treated as one unit ?

(c) Is it a fact that the Inspectors who are promoted to the grade of Rs. 160—250 after completing eight to ten years of service, are always at an advantage ?

(d) Is it a fact that in Calcutta and Bombay most of the vacancies in the grade of Rs. 250—350 have been filled up by the officials working outside those cities ?

(e) If the answer to part (d) be in the negative, will Government be pleased to lay on the table a statement showing the number of officials promoted to the grade of Rs. 250 to 350, either as officiating or as permanent, in the years 1933-34 and up to 28th February, 1935, in the year 1934-35, in Bombay and Calcutta, separately, as well as the position they held before their promotion in the grade ?

(f) Are Government aware of the fact that the officials working in Calcutta have got practically no chance to get promotion to the grade of Rs. 250—350, even in Calcutta ?

(g) If the answer to part (f) be in the negative, will Government be pleased to state how many officials in the grade of Rs. 160—250 working in Calcutta and *muffasil* are likely to get promotion to the grade of Rs. 250—350 during the next two years ?

(h) Is it a fact that about a year ago, officials of the Bombay General Post Office submitted a representation to the Director General, requesting him to treat Bombay as a self-contained unit for the purpose of promotion in the grade of Rs. 250—350 ?

(i) If the reply to part (h) be in the affirmative, will Government be pleased to state whether they have since arrived at any decision ?

(j) Are Government prepared to consider the hardships of the officials working in Bombay and Calcutta in this respect ?

(k) If not, will Government be pleased to state why a section of employees should get advantage over others in the matter of promotion ?

The Honourable Mr D. G. Mitchell : (a) A statement is laid on the table

(b) and (c). Yes

(d) Recently this has been so

(e) Does not arise.

(f) The facts are not as stated by the Honourable Member

(g) Government are unable to give any estimate, as promotions must depend on the number of vacancies that may occur

(h) Yes.

(i) The representations were rejected by the Director General in June, 1934

(j) and (k). Promotions to the grade of Rs. 250—350 are made by selection from the combined list of senior officials in the grade of Rs. 160—250 whether working in a Presidency town or in the mofussil, and Government do not admit that the officials in Calcutta and Bombay have been put to any hardship.

Statement.

	Number of posts in the grade of Rs. 250—350.
(a) (i) Bombay	9
Bombay Circle (excluding Bombay)	11
Calcutta	16
Bengal and Assam Circle (excluding Calcutta)	14
	Number of posts in the grade of Rs. 160—250 (including Inspectors of post offices).
(ii) Bombay	63
Bombay Circle (excluding Bombay)	120
Calcutta	70
Bengal and Assam Circle (excluding Calcutta)	149
	Number of upper division time-scale clerks.
(iii) Bombay	866
Bombay Circle (excluding Bombay)	1,728
Calcutta	1,385
Bengal and Assam Circle (excluding Calcutta)	2,584

SUPERVISORS AND CLERKS IN THE AMHERST STREET POST OFFICE, CALCUTTA.

7) Mr Amarendra Nath Chattopadhyaya : (a) Will Government be pleased to lay on the table a statement showing the number of (i) supervisors and (ii) clerks, working in the Amherst Street Post Office, Calcutta ?

(b) Is it a fact that there is no other supervisor, except the Deputy Sub-Postmaster, who is required to look into the working of all branches of the office ?

(c) Is it a fact that according to the standard laid down by Government, one additional supervisor is justified to look into the working of the Registration, Parcel, and Sorting Branches of the office ?

(d) If the reply to part (b) be in the negative, will Government be pleased to state who is required to supervise the work of those branches ?

The Honourable Mr. D. G. Mitchell : (a) (i) and (ii) There are two whole time supervisors, viz., the sub-postmaster and the deputy sub-

postmaster and one part time supervisor, viz., the head clerk. The number of clerks excluding the head clerk is 22

(b) and (c). No

(d) The deputy sub-postmaster and the head clerk of the office.

EXPORT DUTY ON RAW JUTE.

80. **Mr Anarendra Nath Chattopadhyaya :** Has Government's attention been drawn to the fact that the export duty on raw jute and manufactures, since the depression of the jute trade commenced in 1930, has been very high according to the calculation of Mr. N. C. Choudhury, late of Provincial Agricultural Services of Bengal and Bihar and Orissa, in his well-known work "Jute and Substitutes"?

(b) Is it a fact that the export duty on raw jute is about three annas per rupee, and one and a half annas on hessian, equivalent to twenty per cent on raw jute and ten per cent on hessian?

(c) Is it not a fact that prior to 1930, the duty was about one anna per rupee on raw jute and nine pies on hessian when the prices of raw jute and manufactures were much higher?

(d) Are Government prepared to reduce the duty to about five per cent of the value of the exports of both raw jute and manufactures, in order to relieve both the *rayats* and the manufacturers?

(e) Will Government be pleased to state if the rates of railway freight on raw jute for carrying it from districts to Calcutta are different on different Railways, Bengal-Nagpur Railway and East Indian Railway charging 0.1 pie per maund per mile, in wagon loads, while the Eastern Bengal Railway charges at 0.42 pie per maund per mile, usually, although the Eastern Bengal Railway carries the largest quantity of jute to the extent of 90 per cent.?

(f) Do Government propose to spend a considerable portion of the duty on jute for direct benefit of the cultivators of Bengal, *e.g.*, on improvements of traffic and opening of *golas* or marts at different centres for selling jute and other commercial crops?

(g) Is it a fact that the I. G. S. N. and R. S. N. Companies charge steamer freights for carrying jute to Calcutta from different places at the same rate of Rs. 1-14-10 per bale of 3½ maunds each, coming to about Rs. 15 per ton, distance from Serajganj to Calcutta being 544 miles, from Narainganj 402 miles, from Chandpur 455 miles, and from Madhavipur 415 miles?

(h) Do Government propose inducing the Railways and the Steamer Companies concerned to reduce the fares on this most important commercial crop of the Bengal Province?

(i) Are Government prepared to appoint a committee to suggest improvements in the drying country boat traffic system (*vide* page 145, "Jute and Substitutes")?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government have seen the reference quoted by the Honourable Member.

(b) and (c). The export duties on raw jute and hessians are specific duties based on weight and the *ad valorem* incidence of the duties has naturally varied with changes in prices.

(d) No The financial position does not permit of the duty being reduced at this stage.

(e) The rate for wagon loads over the Bengal Nagpur Railway is 0.42 pie per maund per mile for jute, pressed, and 0.62 pie per maund per mile for jute, unpressed ; whereas on the East Indian Railway the scale is on a telescopic basis as follows :

<i>Miles.</i>			<i>Pie per maund per mile.</i>
First 100	..	..	0.38
+ 101 — 300	.	..	0.22
+ 301 — 600	..	..	0.13
Over 600	.	..	0.11

On the Eastern Bengal Railway the maximum rate permissible is 0.83 pie per maund per mile but a large number of special rates are quoted for traffic to Calcutta on a lower basis than the maximum permissible.

(f) Half the export duty on jute is handed over to the jute growing provinces and it is for them to consider the point.

(g) No

(h) No

(i) Honourable Member will appreciate that if there is a reduction in the steamer fares, as suggested by him, it is likely to press hardly on the country boats themselves. No Committee has been suggested at page 145 of the publication referred to by him and in any case Government do not propose to appoint any Committee.

WILLINGDON BRIDGE OF THE CALCUTTA CHORD RAILWAY.

81. *Mr Amarendra Nath Chattopadhyaya : Will Government please state the amount of tolls collected for the year 1934, over the road traffic on the Willingdon Bridge of the Calcutta Chord Railway and the number of vehicles and pedestrians which passed over this bridge ?

Mr. P. R. Rau : I am endeavouring to ascertain if the information is readily available ; if it is, I shall place it on the table of the House on receipt

OPENING OF THE CALCUTTA CHORD RAILWAY FOR REGULAR TRAIN TRAFFIC.

82. *Mr Amarendra Nath Chattopadhyaya : (a) Will Government please state when the Calcutta Chord Railway will be opened for the regular train traffic, both for passenger and goods ?

(b) What is the cause of this unusual delay when the bridge over the river Hooghly and the line have long been completed ?

(c) Are Government aware that this delay has caused heavy loss, as there is no return yet on the huge capital outlay on the project ?

(d) Is the line open to goods traffic ? If so, is it a regular traffic, or only a few trains pass as a trial ?

(d) There is already a raised platform and over-bridge at Dankuni and the East Indian Railway are providing platforms at Begumpur and Kamarkundu and over-bridges at Chandanpur and Jaugram this year.

SHORT NOTICE QUESTIONS AND ANSWERS.

ITALO-ABYSSINIAN DISPUTE.

Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether they are being kept informed from time to time, as the British Dominions are, about the developments in the Italo-Abyssinian dispute, and the attitude of Great Britain towards the same ;
- (b) whether the despatch of Indian troops to Ethiopia was on the initiative of the Government of India, or under orders from the British Government, or on their suggestion ;
- (c) what the cost of sending these Indian troops is, and who is bearing the same ;
- (d) what are the purposes for which the Indian soldiers are being sent, and for what period ; and
- (e) whether Government will be consulted before Britain takes any decisive step in this matter ?

Mr. J. G. Acheson : (a) Yes

(b) The initiative in the discussions regarding the protection of Indians in Abyssinia, the outcome of which was to strengthen the Legation Guard at Addis Ababa, was naturally taken by the Government of India. There is of course no question of the detachment being sent under orders from His Majesty's Government.

(c) The cost of the voyage from India to Jibuti in French Somaliland will be about Rs 20,000 and the pay and allowances of the troops approximately Rs 13,000 a month. I regret that it is not possible at such short notice to give details of further incidental expenditure. His Majesty's Government have agreed to pay the entire cost.

(d) As stated in the communiqué issued by the Government of India on the 22nd August, the object of the sending of this detachment is to facilitate the protection of British and Indian subjects of His Majesty in Abyssinia in the event of an emergency. The reinforcement will remain as long as is necessitated by the situation.

(e) Government of India will naturally be consulted regarding any further measures affecting the safety of British Indian subjects in Abyssinia, a matter which is engaging their close and constant attention.

Mr. Satyamurti : With reference to part (a), may I know what is the latest information in the possession of the Government of India, as regards the stage of the dispute and the attitude of Great Britain ?

Mr. J. G. Acheson : I think this supplementary question substantially repeats the portion of the original question which has already been disallowed by the Honourable the President, if I remember correctly.

Mr. President (The Honourable Sir Abdur Rahim) : What is the question ?

Mr. S. Satyamurti : I understood the Honourable Member to say " yes " in reply to part (a) of my question. My supplementary question is, if the Government of India are being kept informed, from time to time, as the British Dominions are, about the developments in the Italo-Abyssinian dispute and the attitude of Great Britain towards the same, what is the latest information in the possession of the Government on this matter, if they are being consulted ?

Mr. President (The Honourable Sir Abdur Rahim) : Do Government choose to answer this supplementary question ?

Mr. J. G. Acheson : I think perhaps the Honourable the President has not heard my objection. My objection was that this supplementary question of the Honourable Member substantially repeats the portion of the original question to which I took objection on the ground that it affected the relations between His Majesty's Government and a Foreign State, and that objection was upheld by the Honourable the President.

Mr. President (The Honourable Sir Abdur Rahim) : Does the Chair take it that the Honourable Member does not wish to answer the supplementary question because it affects foreign relations ?

Mr. J. G. Acheson : Yes, Sir.

Mr. S. Satyamurti : With regard to the reply to part (b), do I understand the Honourable Member to say—I am sorry I did not hear him quite plainly—that the entire action was taken on the sole responsibility of the Government of India and not under the orders of the Government of Great Britain ?

Mr. J. G. Acheson : I think I had better repeat the answer I gave to part (b). I said :

" The initiative in the discussions regarding the protection of Indians in Abyssinia, the outcome of which was to strengthen the Legation Guard at Addis Ababa was naturally taken by the Government of India. There is of course no question of the detachment being sent under orders from His Majesty's Government."

Mr. S. Satyamurti : With regard to part (d), may I know if the Government of India do not consider the possibility of acts of hostility being precipitated, by the presence of these troops when they are sent there ?

An Honourable Member : By whom ?

Mr. S. Satyamurti : Either by Italy or by Abyssinia ?

Mr. J. G. Acheson : We do not consider there is any such possibility.

Mr. S. Satyamurti : Are not Government aware that certain Indians have already been arrested by the Italian Government in Eretria ?

Mr. J. G. Acheson : I have seen notices in the Press to that effect, but there is no official confirmation.

Mr. M. Ananthasayanam Ayyangar : How many Indians are there in Addis Ababa for whose protection these troops are sent ?

Mr. J. G. Acheson : Approximately one thousand.

Mr. M. Ananthasayanam Ayyangar : Is it consistent with their protection to send so many troops ?

Mr. J. G. Acheson : I thought the Honourable Member wanted to know how many Indian subjects there are in Abyssinia. The answer to that is one thousand.

Mr. S. Satyamurti : May I know if, apart from the safety of Indians involved for which these troops have been sent, this Government will be consulted by Great Britain if she decides to declare War ?

Mr. J. G. Acheson : I object to this supplementary question on the same ground on which I objected to his previous question.

Mr. M. Ananthasayanam Ayyangar : What is the number of Britishers there for whose safety the regiment is sent from here ?

Mr. J. G. Acheson : The number of Britishers is approximately about 1,600 out of whom one thousand are Indians

POSITION ON THE NORTH-WEST FRONTIER.

Mr. S. Satyamurti : (a) Will Government be pleased to state the latest position on the North-West Frontier ?

(b) How long this year have British and Indian troops been engaged in what may be termed guerilla warfare with the Frontier tribes ?

(c) What has been the cost on the whole, in money and in men ?

(d) What are the reasons why this miniature warfare is going on ?

(e) What is the policy of Government towards the frontier tribes.

Mr. J. G. Acheson : (a) The position is that a *lashkar* of Mohmands, which had attacked the Peshawar District and the Gandab Road, has been repelled from administered territory and the neighbourhood of the road by combined land and air operations. A column of troops has advanced into the Gandab valley and has effected repairs to the road which had been damaged by the tribesmen. Tribal *lashkars*, though repelled from the neighbourhood of the border, are still in being and have as yet shown no disposition to come in for settlement

On another part of the Frontier on the border of the Hazara District there has been an incursion by armed tribesmen who have attacked and murdered villagers in the administered territory. Troops have been moved up from Abbottabad, and repelled the attack.

(b) In the earlier part of this year operations took place in the Agra salient for a period of two months. The present operations on the Mohmand border have hitherto lasted only a little over fortnight, and on the Hazara border less than a week.

(c) The cost of the current operations is not yet known. The cost of the Loe Agra operations, so far as is known at present, and including the cost of a motor road from Kot to Loe Agra, is 3½ lakhs.

The total casualties to date in all operations on the Frontier this year are :

		Killed.	Died of wounds.	Wounded.
Loe Agra	.. ..	3	..	16
Gandab Valley to date	.. ..	5	1	27
Total	.. ..	8	1	43

These figures include Mr. Best, the Political Agent. Malakand, who was killed during the Loe Agra operations.

(d) The reason for the operations on the Mohmand border is that in defiance of Government's agreement with the Mohmands of 1933 a tribal *lashkar* attacked and broke up the Gandab Road, and sent gangs to fire on constabulary posts in the Peshawar District. The main object of the *lashkar*, which was led by the eldest son of the Haji of Turangzai, was to bring pressure to bear on Government to release certain tribal hostages held as security for the presence of a number of outlaws and murderers taking sanctuary with the Safi tribe. The Hazara rising is communal in inspiration.

(e) The Honourable Member is referred to the reply given to question No. 880 put by Mr. M. Maswood Ahmad on the 12th September, 1933

Mr. S. Satyamurti : With reference to the answer to clause (a), may I know if these operations include air raids, specially on women and children in their houses, dropping bombs ?

Mr. J. G. Acheson : No, Sir.

Mr. S. Satyamurti : With reference to the answer to clause (e), may I know if, since 1933, the policy has remained unchanged, and, if so, why Government pursue this cat and mouse policy towards these Frontier tribes ?

Mr. J. G. Acheson : The answer to the first part of the question is in the affirmative. As regards the second, I would point out that it contains an innuendo.

Mr. S. Satyamurti : May I know why Government do not either make peace with these tribes, or settle with them in the manner known to Great Britain ?

Mr. J. G. Acheson : Government do all in their power to make peace with these tribes and have succeeded to a very large extent. The cases referred to are isolated cases covering only a small portion of the Frontier.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 160 asked by Mr. V. V. Giri on the 12th February, 1935.

RE-EMPLOYMENT OF GREAT INDIAN PENINSULA RAILWAY STRIKERS.

The Agent, Great Indian Peninsula Railway, reports :

(a) The number of *ex*-strikers on the first and second waiting lists was on 1st February, 1935, 154 and two, respectively.

(b) 2,184.

(c) Only 7 transfers have so far been effected as from experience it is found to be most difficult to exchange *ex*-strikers re-employed on other railways with men newly engaged on the Great Indian Peninsula Railway during the last strike for the reasons that men between whom the exchange is to take place must be on somewhat equal salaries and possessing knowledge and experience to suit each other's duties and also as men are required to be willing to accept the posts offered as such transfers could not be enforced upon either the *ex*-strikers employed on other railways or on men engaged on the Great Indian Peninsula Railway.

Information promised in reply to unstarred question No. 28 asked by Mr. Sham Lal on the 13th February, 1935.

AMOUNT GIVEN TO THE SADAR BAZAR MUNICIPAL COMMITTEE FROM THE CASH BALANCE IN THE CANTONMENT FUND, AMBALA.

(a) (i) Rs. 85,013-12-0 with contingent liabilities of Rs. 52,994 consisting of—

Rs. 12,825 for payment of outstanding bills in connection with Water Works,
Rs. 10,615 as an advance received from Messrs. Herman and Mohatta for
the part purchase of Electric Distribution and Stores,

Rs. 11,925 contribution for the construction of the Tangri Bund,

Rs. 6,700 due to the Military Engineer Services for water supply,

Rs. 3,072 due to the Military Engineer Services for Duct water and electricity,

Rs. 258 Government share of rents from land under the management of the
Cantonment Authority, and

Rs. 7,599 securities deposited by private persons for the supply of electric
current

The balance left for distribution between the two local bodies was Rs. 32,019.

(ii) Rs. 17,052 were paid in cash. Bills amounting to Rs. 11,312 were also paid
from the cantonment fund being part of the liabilities to which the Municipality was
committed.

Rs. 3,738-12-3 were subsequently paid to the Municipality from the unspent balance
of the amount set apart for the construction of the Tangri Bund

(iii) The assets were divided into equal parts by a committee consisting of the
Executive Officer, the Secretary, Municipal Committee, and a First Class Magistrate
appointed by the Government of the Punjab with the concurrence of the Government
of India. In case of any difference of opinion either party had the option of appealing
to the Commissioner, Ambala Division. No appeal was made against the division
made by the committee and the inference is that both parties were satisfied with the
decision.

(b) No. The population of the sadar bazar is 27,596 approximately and that of
the Cantonment, 18,516

(c) Yes. The terminal tax is divided with the concurrence of the Government of
India and the Local Government on a population basis in the proportion of 60 per cent.
to the municipality and 40 per cent. to the cantonment. The Sadar Bazar Separation
Committee appointed by the Local Government in March, 1934, recommended that the
terminal tax should be divided equally between the two bodies.

(d) No. In addition to cash the municipality also received more than half a lakh
of rupees in the shape of water works.

(e) No.

*Information promised in reply to starred question No. 311 asked by Prof. N. G.
Ranga on the 18th February, 1935.*

CONTEMPLATED RETRENCHMENT IN THE MADRAS DEAD LETTER OFFICE.

(a) to (e). The proposal to retrench the clerks in question has been abandoned and
the rest of the question does not therefore arise.

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Information promised in reply to Dr. P. N. Banerjee's supplementary question to starred question No. 332 asked by Sardar Sant Singh on the 20th February, 1935.

ANNUAL COST OF EMPLOYMENT OF TROOPS IN BENGAL TO SUPPRESS THE
TERRORIST MOVEMENT.

The incidental charges paid by the Local Government in connection with the acquisition of land, etc., are as follows:

Year.	1932-33.	1933-34.	1934-35.	1935-36.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
Compensation to Saidpur Station Committee for loss of grazing rights within the station area.	80) 0	160 0 0	160 0 0	160 0 0
Rent of land for location of troops.	110 2 0	100 0 0	384 8 3	..
Compensation for occupation of lands or private individuals.	..	59 0 0	79 0 0	..
Compensation for rights, etc. ..	..	1,075 9 0	..	..
Grazing rights .. ..	..	..	75 0 0	..

Information promised in reply to parts (b) and (c) of starred question No. 497 asked by Mr. Muhammad Nauman on the 23rd February, 1935.

COMMUNAL COMPOSITION OF NON-GAZETTED STAFF RECRUITED IN THE GOVERNMENT OF INDIA OFFICES.

Name of Department or Office.	Recruitment made from 4th July, 1934 to 1st February, 1935						Total number of permanent subordinate staff who have not passed the Public Service Commission's examination	Total number of temporary subordinate staff who have not passed the Public Service Commission's examination.	Remarks.
	First Division.	Second Division.	Third Division.	Stenographer.	Community	Whether permanent or temporary.			
1	2	3	4	5	6	7	8	9	10
Home . .	.	.	1	.	Muslim	Provisional permanent	.	13	
	.	.	.	1	Do.	Temporary .	.		
	.	.	1	..	Do.	Do .	.		
	..	.	1		Hindu	Do	..		
	.	1	.		Do.	Do.	..		
	.	.	1	.	Do.	Provisional permanent.	..		
	.	.	1	.		Temporary .	..		
Director, Public Information.	1		..	.	Muslim	Do.	..		*Exempted from the examination
			1	..	Sikh	Do.	2*	3	
Foreign and Political.	..		10	.	4 Hindus	Do.	7	32	
					4 Muslims				
					2 Anglo-Indians				

Military Finance Department.	..	.	October 1934	1	4 Hindus 2 Muslims	.	Do	..	5	
	.	.	November 1934.	4	3 Hindus 1 Muslim	Do	Do	..	4	
Military Account- ant General's Office	.	.	December 1934	4	3 Hindus 1 Muslim	Do	Do	..	4	
	.	.	January 1935.	3	2 Hindus 1 Muslim.	Do	Do	..	3	
	.	.		1	Anglo-Indian	Temporary		..	15	
	.	.		..				..	1	

*All the individuals were specially exempted by the Public Service Commission

†Holding appointments against the quota reserved by the Home Department for the personnel recruited otherwise than through the Public Service Commission.

Name of Department or Office.	Recruitment made from 4th July, 1934 to 1st February, 1935					Total number of permanent subordinate staff who have not passed the Public Service Commission's examination.	Total number of temporary subordinate staff who have not passed the Public Service Commission's examination.	Remarks.
	First Division.	Second Division.	Third Division.	Steno-grapher.	Community.	Whether permanent or temporary.		
1	2	3	4	5	6	7	8	9
Army ..	..	1	..	..	Hindu	Permanent	Ntl.	*2
	.	.	3	..	Do.	Temporary	.	..
	.	.	2	.	†Anglo-Indian (Lady Clerks)	Do.	.	
			..	1	‡British Soldier	Do.	..	
		.	1	.	Hindu	Do.	..	
General Staff Branches	.	.	||2		Europeans (Lady clerks)	Temporary	4	13

*The entries in columns 8 and 9 relate only to personnel recruited since 1926

†Paid from the D S estimates. This is a temporary post in the Calcutta Office on Rs 50 per mensem sanctioned up to the 31st March 1935 in connection with the issue of the I. G. S. Medal, 1908, with Clasp "Molmand, 1933". The post is held by a pensioner Since discharged on the termination of the temporary appointment

‡One of them has since resigned his appointment.

§Since replaced by a Lady Stenographer

¶The particulars given exclude the soldier and ex-soldier clerks whose recruitment is not controlled by the Public Service Commission and those who were contrained prior to the introduction of the Staff Selection Board Examinations.

[illegible]

Name of Department or Office.	Recruitment made from 4th July, 1934 to 1st February, 1935.							Total number of permanent subordinate staff who have not passed the Public Service Commission's examination.	Total number of temporary subordinate staff who have not passed the Public Service Commission's examination.	Remarks.
	First Division.	Second Division.	Third Division.	Steno-graphers.	Community.	Who held permanent or temporary.	7			
1	2	3	4	5	6	7		8	9	10
Judge Advocate General's Branch	..	..	2	..	Hindus	Officiating in a leave vacancy.				
Assistant Director of Supplies Provision.	..	..	6	.	3 Hindus 2 Muslims. 1 Anglo-Indian (Lady typist)	2 Permanent (1 Hindu and 1 Muslim) 4 Temporary (2 Hindus, 1 Muslim and 1 Anglo-Indian)	32(a)	5	5 (employed in deputation vacancies)	(a) Including (i) Soldier and ex-soldier clerks, recruited from the I. A. O. C and units, (ii) civilian clerks recruited from the I. A. O. C in accordance with Government orders relating to recruitment to this office
Assistant Military Secretary (Personal)	..	..	..	..	..	..	..	..	1	Does not include soldier and ex-soldier clerks, whose recruitment is not controlled by the P. S. C.
Royal Air Force Headquarters.	..	..	8	..	5 Hindus 2 Muslims. 1 Sikh.	Temporary ..	..	..	8	
Legislative ..	..	..	2	..	1 Hindu 1 Muslim	Permanent Temporary.	6*	..	..	*Of this, 3 were appointed in relaxation of the rules relating to recruitment through the Staff Selection Board, 3 were appointed after getting the necessary exemption from the Commission
Commerce ..	3	1 Muslim 1 Do. † 1 Hindu †	Permanent Temporary Officiating.	4†	..	8	†Were in service in the Department when appointed to these posts.

Railway	1	..	6	..	Hindu 1 Hindu 1 Sikh	Permanent Provisional Permanent
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Of this 2 men were exempted from the Public Service Commission test, and the remaining 2 clerks were holding permanent appointments in the Q. M. G.'s Branch and in the Office of the Controller of Printing and Stationery, India, New Delhi.

§One of these holds a technical appointment in the Imperial Secretariat Library for which he was recruited through the Public Service Commission.

One of these, a Muslim, has since left the Department.

Name of Department or Office.	Recruitment made from 4th July 1934 to 1st February 1935.							Total number of permanent subordinate staff who have not passed the Public Service Commission's examination	Total number of temporary subordinate staff who have not passed the Public Service Commission's examination.	Remarks.
	First Division.	Second Division.	Third Division.	Steno-grapher.	Community	Whether permanent or temporary	7			
1	2	3	4	5	6	7		8	9	10
Director of Civil Aviation.	..	..	1 4	2	Hindu .. 3 Hindus .. 2 Muslims .. 3 Europeans and Anglo-Indians.	Permanent.			3	
Controller of Printing and Stationery.	1	.	.	.	Hindu .. 1 Muslim ..	Permanent (on probation for one year). Provisional permanent (on probation in the first instance).	2 (excluding 1 Superintendent)		4	
	.		3 including 1 special stenographic temporary post of Van clerk on Rs. 50 p.m.		Do. .. 1 Hindu .. 1 Muslim ..	Temporary. Do. Temporary.			14	
Director General of Posts and Telegraphs.	..	..	9	..	7 Hindus 2 Muslims. 1 Hindu 2 Indian Christians. 1 Sikh. Hindu	Permanent. Temporary.				
	..	1	..	..		Permanent.				

Indian Stores Department	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1	1
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Information promised in reply . (i) to supplementaries in connection with question No. 639 asked by Pandit Lakshmi Kanta Mantra (on behalf of Dr. Ziauddin Ahmad) on the 5th March, 1935, and (ii) to question No. 643 asked by Dr. Ziauddin Ahmad on the 5th March, 1935.

CONTRACTORS AT RAILWAY STATIONS IN THE DINAPORE AND HOWRAH DIVISIONS.

639. The Agent, East Indian Railway, reports that enquiries have been made with the following result :

- (i) On the Howrah Division there were allegations against the Area Contractors having sublet the contract at two stations. The allegations were, on enquiry, found to be incorrect
- (ii) On the Dinapore Division complaints were made against three Area Contractors. The complaints against two of them were, on enquiry, found to be incorrect. As regards the third it was ascertained that the contractors had arranged for the sale of food-stuffs at certain stations through men who were not their paid servants. The Contractors, however, maintained that the men engaged were directly under their control, wore their badges and uniform and that they (the Contractors) were responsible for any irregularities committed. The Administration, however, did not accept this contention and instructed the Contractors to discontinue the arrangement.

FOOD-STUFF SOLD BY VENDORS ON THE EAST INDIAN RAILWAY.

643. The Agent, East Indian Railway, states that the reply to parts (a) and (b) of the question is in the affirmative. The matter is receiving attention.

Information promised in reply to starred questions Nos. 669 to 676 asked by Mr. Fakir Chand on the 5th March, 1935.

ALLEGATIONS AGAINST THE PRESIDENT OF THE LAHORE CANTONMENT BOARD.

669. (a) Powers have been delegated to the Vice-Presidents of the following cantonments under the sections mentioned against each—

Allahabad—Sections 25 and 114 (1) of the Cantonments Act, 1924.

Dehra Dun—Sections 25, 114 (1), 162 (2), 166 (3), 207 (1) and 253.

Dinapore—Sections 162 (2) and 166 (3)

Fyzabad—Section 22 (1) (b), 166 (3), 207 (1) and 242.

Certain powers were delegated to the Vice-President at Lucknow under section 22 (2), in 1927, but no such powers have been delegated since the last general election in December, 1933. In most cantonments, even if there are no specific delegations of powers, Vice-Presidents act for the Presidents during their absence and exercise all their powers under the Act

(b) Yes. The power under section 22 (2) is discretionary vested in the President and the President of the Lahore Cantonment Board, considered that the Board was not competent to pass such a resolution.

(c) The reply to the first part is in the affirmative. As regards the second part, the President invited the attention of the mover of the resolution to the provisions of section 22 (2).

ACTION TAKEN BY THE EXECUTIVE OFFICER OF THE LAHORE CANTONMENT UNDER SECTION 25 OF THE CANTONMENTS ACT.

670. (a) 26 times.

(b) Government have examined all the cases and find that the action in each case was taken with the sanction of the President and was subsequently confirmed by the Board. They are satisfied that in each case the action was justified on the grounds mentioned in the question.

APPOINTMENT OF CHAIRMEN OF VARIOUS SUB-COMMITTEES OF THE LAHORE CANTONMENT BOARD.

671. Yes The President did not consider it necessary to appoint different elected members to be Chairmen of the different committees because, under the Regulations framed under section 44 of the Cantonments Act, the Vice-President being the senior elected member on the committees concerned, would ordinarily be the Chairman of the committee in preference to any other elected member on the same committee.

PRESIDING OVER THE MEETINGS OF THE LAHORE CANTONMENT BOARD BY VICE-PRESIDENT.

672. Four times.

ACTING MILITARY OFFICERS AS PRESIDENTS OF THE LAHORE CANTONMENT BOARD.

673 None.

RESIGNATION OF THE NOMINATED MEMBERS OF THE LAHORE CANTONMENT BOARD.

674. The necessity for doing so has not arisen because the acceptance of the resignation of a nominated member and the notification nominating another member in his place have occurred simultaneously

ATTENDANCE OF MEMBERS AT THE MEETINGS OF THE LAHORE CANTONMENT BOARD.

675 Yes

RESOLUTIONS PASSED OR REJECTED IN THE LAHORE CANTONMENT BOARD.

676. (a) and (b). Two were passed and one was rejected. All three resolutions related to the disposal of building applications, and the regulation of building does concern the health and welfare of the troops

(c) Yes Attention is invited to the statement laid on the table of the Legislative Assembly on the 21st November, 1932, in reply to starred question No 834 asked by Sirdar Sohan Singh on the 26th September, 1932, regarding the appointment of an elected member to perform the duties of the Executive Officer, Lahore Cantonment.

Information promised in reply to Munshi Iswar Saran's supplementary question to starred question No. 708 asked by Mr. M. Asaf Ali on the 7th March, 1935.

INDIANS AND BRITISHERS WITH KING'S COMMISSION IN THE INDIAN ARMY.

The number of King's Commissioned Indian Officers who have been called on to retire from the service or to resign their commissions cannot exceed 12. Four of these are old cases the records of which are no longer available and the correct number may be only 8.

Information promised in reply to starred questions Nos. 809 and 811 asked by Mr. V. V. Giri on the 11th March, 1935.

SELECTION GRADE POSTS ABOLISHED OR CONVERTED INTO TIME-SCALE APPOINTMENTS IN THE POST OFFICES AND THE RAILWAY MAIL SERVICE.

809. (a) The following selection grade posts in the Post Office and Railway Mail Service were retrenched or converted into time scale posts during the period from the 1st April 1932 to the 31st December 1934.

Designation of Posts.	Number abolished.	Number converted.
Postmasters	1	1
Deputy Postmasters	1	93
Assistant Postmasters	3	17
Assistant Presidency Postmasters	1	..
Sub-Postmasters	9	13
Deputy Sub-Postmasters	1	9
Assistant Sub-Postmasters . . . . .	..	4
Town Inspectors	3	63
Inspectors of Post Offices	26	..
Head clerks (including Joint Head clerks)	4	25
Head signallers . . . . .	..	1
Accountants	1	3
Head Assistants	2	..
General Supervisors	3	4
Sanitary Superintendents . . . . .	..	1
Head Record clerks	1	3
Sub-Record clerks	1	1
Head Sorters	4	7
Inspectors Railway Mail Service	11	3
Total ..	71	248

(b) The posts which were abolished were those which on a careful examination of each case were found to be superfluous. The conversion of posts from the selection grade to the time-scale was carried out as justified by the application of the Bewoor Time Tests, read with the administrative instructions issued from time to time by the Director General or the Government of India governing the respective classes of posts.

(c) The additional selection grade posts sanctioned and the offices to which they are attached are given below.

Bengal and Assam Circle.

Calcutta General Post Office	1 Inspecting Postmaster.
Dum Dum Sub Office	1 Selection Grade Postmaster.
Tinsukia Sub Office	Do.
Patiya Sub Office	Do.
Digboi Sub Office	Do.

United Provinces Circle.

Railway Mail Service 0-8 Section	1 Selection Grade Sorter.
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Punjab and N.-W. F. Circle.

Rawalpindi City	1	Selection Grade Sub-Postmaster.
Kasauli	1 Selection Grade Sub-Postmaster
Murree	..	.	..	1 Deputy Sub-Postmaster.
Railway Mail Service D-4 Sub-Division	1	Inspector, Railway Mail Service.

Burma Circle.

Bassein head office	1 Selection Grade Supervisor.
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Sind and Baluchistan Circle.

Sukkur Head Office	1 Assistant Postmaster Telegraphs.
Sub-Record Office, Rohri	.	.	.	1 sub-record clerk
Sub-Record Office, Quetta				1 sub-record clerk

SELECTION GRADE APPOINTMENTS IN THE POST OFFICES AND THE RAILWAY MAIL SERVICE.

811. (a) The total number of selection grade appointments in the Post Office and Railway Mail Service as it stood on the 31st March, 1935, was 1,459.

(b) The percentage of such appointments

(i) to the total number of clerical appointments, both in the ordinary and lower division time-scales in the Post Office, is 5.85; and

(ii) to the total number of sorters' appointments, both in the ordinary and lower division time-scales in the Railway Mail Service, is 4.43.

Information promised in reply to starred question No. 846 asked by Mr. Satya Narayan Sinha on the 12th March, 1935.

ABSORPTION OF THE PERMANENT STAFF IN THE MOODY-WARD SYSTEM ON THE EAST INDIAN RAILWAY.

(a), (b) and (d) The Agent, East Indian Railway, reports that majority of the retrenched men have been re-employed with the exception of those who refused the offers of re-employment made to them or who were found unsuitable for re-engagement. Government are unable to give any particular date by which they will all be absorbed. As regards the reference to demoted staff, Government are informed that staff, retained in lower posts as an alternative to discharge at the time of introduction of the Moody-Ward System on the East Indian Railway were not given any assurance that they would be restored to their former or equivalent grades. As regards the employees who were demoted as a measure of economy, the Honourable Member is referred to the Railway Board's letter No. 1635-E G., dated the 30th December, 1932, a copy of which is in the Library of the House.

(c) The reply to the first part is in the negative.

As regards the second part, the Honourable Member is referred to the reply given to part (d) of question No. 869 asked by Mr. Muhammad Azhar Ali on 12th March, 1935.

Information promised in reply to starred question No. 852 asked by Mr. Muhammad Azhar Ali on 12th March, 1935.

PROMOTIONS TO THE POSTS IN HEADQUARTERS OFFICES OF THE TRANSPORTATION AND COMMERCIAL DEPARTMENTS.

(a) and (b) The Agent, East Indian Railway, reports that substantive promotions to the grades of Transportation and Commercial Inspectors are decided at headquarters and not in the divisional offices. The only post to which promotion was made between the 1st June, 1934, and the 31st January, 1935, was that of a Claims Inspector.

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(c) and (d). The selection board in connection with the promotion referred to above was held in the headquarters office at Calcutta on the 19th September, 1934, and consisted of the Superintendent Staff, the Superintendent Claims and the Superintendent Rates.

(e) Candidates were not called to appear before the selection board, as it was not considered necessary.

(f) Traffic Canvassers and staff with commercial training and experience were eligible.

Information promised in reply to starred question No. 873 asked by Pandit Sri Krishna Dutta Paliwal on the 12th March, 1935.

ALLEGATIONS AGAINST THE DIVISIONAL SUPERINTENDENT, ALLAHABAD

(a) Government are informed that no travelling allowance is charged in such cases

(b) The reply to the first part of the question is in the affirmative and the latter part does not arise.

Information promised in reply to starred question No. 970 asked by Mr. A. K. Fazlul Huq on the 25th March, 1935.

FIDELITY SECURITIES OF INSURANCE COMPANIES.

(a) The following Insurance Companies have been approved and recognised by the Posts and Telegraphs Department for the purpose of fidelity bonds :

- (1) Clive Insurance Company, Calcutta,
- (2) Guardian Assurance Company, Calcutta,
- (3) National Insurance Company, Calcutta,
- (4) Norwich Union Fire Insurance Society, Calcutta,
- (5) Royal Insurance Company, Calcutta,
- (6) Sun Insurance Office, Calcutta (does not now carry on fidelity bond business),
- (7) Ocean Accident and Guarantee Corporation, Calcutta,
- (8) Commercial Union Assurance Company, Calcutta,
- (9) Empire of India Life Assurance Company, Bombay, and
- (10) Palatine Insurance Company, Limited, Calcutta.

(b) Yes.

(c) The reply to the first part is in the negative. The second part does not arise.

(d) Does not arise in view of the reply given at (a) above.

(e) Presumably the acceptance of any class of business which Insurance Companies regard as sound will be an encouragement to the development of the Insurance system.

Information promised in reply to starred question No. 989 asked by Mr. C. N. Mulharunga Mudaliar on the 25th March, 1935.

RETRENCHMENT IN THE MADRAS DEAD LETTER OFFICE.

(a) The reply to the first part of the question is in the negative. As regards the second part no maximum outturn has been prescribed

(b) (i) August, 1933	..	..	26,834
(ii) February, 1934	..	..	25,852
(iii) Special enumeration taken in July, 1934	..	..	24,091

(c) Particulars of figures under the sub-heads referred to by the Honourable Member are not available in respect of the enumeration weeks of August, 1933 and February, 1934. As regards the special enumeration taken in a week of July, 1934, the number of paid and unpaid unregistered articles received during the period are 9,607 and 14,484, respectively, while the number of such articles despatched are 8,873 and 11,036, respectively.

(d) (i) Registered articles	..	..	..	.	19,909
Registered parcels	.	..	..	..	1,371
(ii) Registered articles	..	..	..	..	18,227
Registered parcels	..	.	..	..	2,163
(iii) Registered articles	..	..	..	..	16,325
Registered parcels	.	..	..	..	1,618

(e) No.

(f) The staff in the Madras Dead Letter Office was found by actual observation by a senior and experienced officer of the Department to be excessive, a fact which was confirmed by statistics obtained by special enumeration of the articles received and despatched.

(g) and (h). No Government are satisfied that the retrenchments, which have already been carried out, are fully justified

Information promised in reply to starred question No. 1043, asked by Mr. N. M. Joshi on the 26th March, 1935.

BOX *Khalasies* FOR EUROPEAN AND ANGLO-INDIAN DRIVERS ON STATE RAILWAYS.

On the Great Indian Peninsula and North Western Railways box *khalasies* are provided for the carriage of boxes of all engine drivers. As already stated, on the East Indian Railway coolies are provided for the carriage of boxes of drivers in grades I and II. On the Eastern Bengal Railway box *khalasies* are provided for the European and Anglo-Indian drivers only, for the reason that the size of boxes used by the European and Anglo-Indian drivers is larger and cannot be carried without the assistance of a box *khalasi*. The Indian drivers carry small boxes which can easily be carried by hand without the assistance of box *khalasies*. To obtain uniformity Railway Administrations have been instructed that there should be no racial discrimination in this matter and that box *khalasies* should be provided for all drivers when the circumstances render this necessary.

Information promised in reply to parts (b) and (c) of starred question No. 1220 asked by Mr. M. S. Ayyar on the 30th March, 1935.

INCREASE IN THE QUANTITY AND VALUE OF QUININE SOLD.

(b) and (c) A statement is attached. Compared with the figures for 1932-33 there was an increase during 1933-34 in the quantity and value of quinine sold of 14.86 per cent and 14.77 per cent, respectively, and not 14.98 per cent. and 17.6 per cent as shown in the Annual Report of the Indian Posts and Telegraphs Department for the year 1933-34. The mistake in the Annual Report was due to inaccurate reports originally furnished by certain Circles.

STATEMENT.

Circle.	1932-33.		Value.		1933-34.		Value.		Increase (+) or decrease (—) in quantity		Remarks.
	lbs.	gr.	Rs	a p	lbs.	gr.	Rs	a p	lbs	gr.	
Bengal and Assam	10,487	1,920	2,33,673	14 4	12,373	6,193	2,63,485	3 1	+1,866 +17 80%	4,273	Increase in quantity was due to malaria.
Bihar and Orissa	242	4,254	6,369	5 0	285	1,425	7,486	12 0	+42 +17 55%	4,171	Increase in quantity was due to (i) malaria and (ii) increased popularity of drug
Bombay	1,299	5,570	24,686	0 0	1,671	5,630	31,482	8 0	+372 +28 62%	60	Increase in quantity was due to malaria
Burma	186	15	2,034	6 5	191	1,622½	2,091	9 7	+5 +2 81%	1,607½	No special reason for the slight increase in quantity
Central	745	4,917½	14,417	12 7	782	5,430	15,237	11 2	+37 +4 96%	512½	No special reasons for the increase in quantity. The slight increase of .73% in value over the percentage of quantity is due to fluctuations in the cost of the drug.
Madras	1,951	4,000	39,916	4 6	1,859	1,600	37,615	8 9	—92 —4 73%	2,40½	Decrease in quantity was due to the free supply of quinine by the Public Health Department in several districts, and the larger decreased value was due to the increased sale of 10 gr. packets by post offices in the Mysore State and elsewhere

Punjab and N.W. F.	102	5,065	1,964 15 7	95	255	1,818 12 1	-7 -7 48%	4,810	-146 3 6 -7 43%	Decrease in quantity was due to free supply by Itinerary Dispensaries
Sind and Baluchistan.	44	3,330	994 3 9	69	6,265	1,502 5 0	+23 +50 33%	2,935	+508 1 3 +51 10%	Increase in quantity was due to less free distribution of quinine by local bodies and a widespread epidemic of malaria. The difference in percentage was due to variations in actual and selling price of a tin of quinine supplied to the offices in Baluchistan by the Inspector- General, Civil Hospitals, Punjab.
United Provinces	155	.	3,993 0 0	169	..	4,205 11 0	+14 +9 03%	..	+302 11 0 +7 59%	Satisfactory reasons not given, but apparently due to (1) the drug having been supplied in 1933-34 in lieu of money received during the preceding year and (2) the drug having been supplied during the year (1933-34) by V. P. P., so that its value was received during the succeeding year (1934-35).
Total	15,217	1,071½	3,18,040 14 2	17,478	420½	3,65,016 0 8	+2,260 +14 86%	6,349	+46,968 2 6 +14 77%	

Information promised in reply to supplementaries to starred question No. 1322 asked by Mr. S. Satyamurti on the 2nd April, 1935.

TREATY BETWEEN THE SULTAN OF ZANZIBAR AND GREAT BRITAIN.

(a) In 1908 a treaty was signed abrogating the treaty of 1886 between Great Britain and Zanzibar.

(b) The rights of Indian settlers and other British subjects in Zanzibar were safeguarded in certain respects by the provisions of the Treaty between Great Britain and Muscat of the 31st of May, 1839. Provision was also made in the Treaty for the reciprocal recognition of Consuls appointed by the High Contracting Parties on a most-favoured-nation footing. This treaty was abrogated as regards Zanzibar on the 3rd of April, 1911.

(c) As this Treaty is not now in force it would serve no useful purpose to table it.

Information promised in reply to parts (b) and (d) to (g) of starred question No. 1395 asked by Mr. D. K. Lahiri Chaudhury on the 3rd April, 1935.

TIME TEST FOR CORRESPONDENCE WORK IN FIRST CLASS HEAD POST OFFICES.

(b) The reduction was effected on the basis of the actual reduction of work due to fall in traffic.

(d) The number of clerks who worked in the Correspondence Department of the Calcutta General Post Office in 1931-32 and the number reduced up to the 28th February, 1935, is as follows :—

Number of clerks in the Correspondence Department of the Calcutta General Post Office on 1st April, 1931	..	112
----------------------------------------------------------------------------------------------------------	----	-----

Number of clerks reduced up to the 28th February, 1935	..	18
--------------------------------------------------------	----	----

(of these 11 were reduced in 1932 and 7 in 1934)

(e) The facts are substantially as stated.

(f) The number of selection grade, time-scale supervisory and other clerical posts in the Bombay General Post Office, Correspondence Department, which includes the offices of the two Inspecting Postmasters, Bombay, is as follows—

(*) Selection grade posts	4
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(**) Time-scale supervisory posts	nil
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(***) Clerks	26
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(g) The entire question of the staff requirements of the Correspondence Department of the Calcutta General Post Office is being closely examined by the Postmaster-General, Bengal, and Assam Circle, and Government are not yet in a position to state what re-adjustments of staff may ultimately be found to be necessary.

Information promised in reply to unstarred question No. 262 asked by Mr. D. K. Lahiri Chaudhury on the 3rd April, 1935.

**CERTAIN INFORMATION IN RESPECT OF THE BOMBAY, CALCUTTA AND MADRAS
GENERAL POST OFFICES.**

	Bombay General Post Office.	Calcutta General Post Office.	Madras General Post Office.
(i) Number of selection grade posts of Rs 250—350	8	12	5
(ii) Number of selection grade posts of Rs. 160—250	40	41	10
(iii) Number of time-scale supervisors	12	8	2
(iv) Number of clerks (Upper Division)	446(a)	883(a)	187(a)
(v) Number of clerks (Lower Division) . . .	98(b)	174(b)	59(b)
(vi) Number of sorting postmen	22	39	10
(vii) Number of overseers .. .	12(c)	6(c)	2(c)
(viii) Number of postmen . . .	239	182	118
(ix) Number of inferior and other miscellaneous staff	325	391	78

(a) Operative clerks including leave reserves but excluding town Inspectors and assistant accountants.

(b) Including leave reserves.

(c) Overseer postmen.

Information promised in reply to unstarred question No. 263 asked by Mr. D. K. Lahiri Chaudhury, on the 3rd April, 1935.

STAFF EMPLOYED IN BOMBAY, CALCUTTA AND MADRAS GENERAL POST OFFICES.

PART (a).

Name of Department.	Bombay.			Calcutta.			Madras.		
	Seleco- tion grade.	Time scale Super- visory.	Clerical.	Seleco- tion grade.	Time scale Super- visory.	Clerical.	Seleco- tion grade.	Time scale Super- visory.	Clerical.
1. Staff ..	1	..	5	..	1	7	..	..	..
2. Accounts ..	5	..	12*	2	..	16*	1	..	6*
3. Correspondence ..	3	..	21	3	..	94	1	.	30
4. Sorting ..	6	1	119	4	1	132	.	..	7
5. Money Order ..	5	..	41	4	2	69	1	1	32
6. Savings Bank ..	4	..	23	3	2	34	2†	..	11
7. Delivery ..	2	..	17	3	..	50	1	..	8
8. Deposit ..	2	..	14	2	..	16	..	..	5
9. Sub Account ..	2	..	9	1	..	8	..	..	4
10. Registration ..	5	6	91	7	2	125	3	..	36
11. Parcel ..	5	4	67	8	1	101	1	1	21
* Including 4 Assistant Accountants.			* Including 3 Assistant Accountants.			* Including one Assistant Accountant. † Including the Manager M. O. and S. B. Departments.			

Part (b) 11, 9 and 7 respectively.
Part (c) 58, 63 and 39 respectively.

Information promised in reply to unstarred question No. 297, asked by Mr. C. N. Muthuranga Mudaliar on 3rd April, 1935.

CLOSING OF LEVEL CROSSINGS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY BETWEEN ARKANAM AND AMTATTUR.

(a) and (b) Government have made enquiries and are informed that such is not the case. Out of the 18 level crossings between Arkanam and Amtattur, only 5, at which the road traffic is insufficient to justify gatemen during night hours, have their gates kept locked by night and the keys kept by the station master who arranges for the gates to be opened on application. Of the remainder 4 are manned both day and night and 9 are continually open for road traffic.

(c) No, the cost will be prohibitive.

(d) Government are informed that every effort is being made to reduce the time the gates are closed to road traffic.

Information promised in reply to part (b) of starred question No. 1482, asked by Mr. Ram Narayan Singh on the 4th April, 1935.

GRIEVANCES OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

Passes to Travelling Ticket Inspectors on the East Indian Railway are being given according to the pay of the individual concerned. On the Moradabad Division, however, prior to April, 1935, all Travelling Ticket Inspectors were given inter class duty passes. The procedure has since then been brought into line with that on other Divisions.

Information promised in reply to the supplementary questions to Mr. Mohan Lal Saksena's starred question No. 1519, asked by Mr. S. Satyamurti on the 5th April, 1935.

CERTAIN PARTICULARS IN CONNECTION WITH STATE PRISONERS AT PRESENT CONFINED IN INDIA

Statement of the number of detenus released under the Bengal Criminal Law Amendment Act, 1930

The latest figure of releases available is that given by the Honourable Mr. R. N. Reid in reply to a question in the Bengal Legislative Council on the 31st July, 1935. In accordance with his statement all persons were released from January to June, this year, including those who are free to move about, but have to report periodically to the police.

Information promised in reply to starred question No. 1624, asked by Mr. Ram Narayan Singh, on the 6th April, 1935.

POST AND TELEGRAPH OFFICES IN THE CHOTA NAGPUR DIVISION.

Districts in the Chota Nagpur Division.				Number of combined post and telegraph offices.	Number of post offices.	Total.
Hazaribagh	..	..	..	14	38	52
Ranchi	..	..	..	11	42	53
Palamau	..	..	..	4	29	33
Manbhum	..	..	..	7	43	50
Singbhum	..	..	..	15	38	53
Total				51	190	241

Information promised in reply to part (c) of starred question No. 1657, asked by Qazi Muhammad Ahmad Kazmi on the 8th April, 1935.

HAPUR REMOUNT DEPOT AT BABUGARH IN THE MEERUT DISTRICT.

(c) Efforts have been made to procure the information but the Local Government have reported that it would involve a prolonged search into old records, the labour and cost of which would not be commensurate with the value of the results.

MOTIONS FOR ADJOURNMENT.

DESTRUCTION OF THE SHAHIDGUNJE MOSQUE AT LAHORE.

Mr. President (The Honourable Sir Abdur Rahim) : I have received notice of a motion for adjournment from Mr Gauba who wants to discuss a definite matter of urgent public importance, namely, the facilities afforded by the military, police and district authorities of Lahore for the destruction of the Shahidgunje mosque under cover of the plea of the exercise of legal rights. Does the Honourable Member want to move it ?

Mr. K. L. Gauba (East Central Punjab : Muhammadan) : I will not move the first motion standing in my name, but I propose to move the second.

LACK OF DISCIPLINE IN CERTAIN SOLDIERS AT JUBBULPORE

Mr. President (The Honourable Sir Abdur Rahim) : I have received notice from Mr. Satyamurti that he proposes to move for adjournment of the House to discuss a definite matter of urgent public importance, namely, the lack of discipline in the King's Regiment as evidenced by the conduct of some soldiers of that Regiment in the village of Benda near Jubbulpore. I understand that a prosecution has been instituted against a certain number of soldiers in that regiment with reference to the incident mentioned here. I should like to know from the Honourable Member if it is possible to discuss the question of lack of discipline in the regiment without reference to the facts of this incident.

Mr. S Satyamurti (Madras City : Non-Muhammadan Urban) : Sir, the only point that I want to bring before the House is the lack of discipline in the regiment. I undertake not to discuss or bring within the scope of my motion the actual facts which are now pending trial before the civil Courts of the country. I may mention in this connection certain facts which are admitted by Government. I will read from a communiqué issued from Simla on the 29th August by the Government of India. They say :

“ In their communiqué of the 24th July the Government of India stated that a court of inquiry was examining the facts in the case in which it was alleged that certain soldiers in the King's Regiment had made an attack on the village Benda in Jubbulpore and the result of the inquiry must be awaited. The report of the court of inquiry has now been examined and it has been decided with the full approval of the military authority to hand the case over to the civil Court to be dealt with. Twentythree men of the battalion are being placed on their trial under the Indian Penal Code on charges of murder and rioting and the proceedings are expected to commence immediately ”

I submit, Sir, that I am not discussing whether these particular men who are charged before His Majesty's Courts are actually guilty of this offence, and, if so, what the evidence amounts to, in respect of the actual

offences they are alleged to have committed. The point, I am on, is that the Government of India, on the report of the court of inquiry appointed, I take it, by the Army Department, have decided that certain incidents took place. (*Cries of "No, no" from Official Benches.*)

The Honourable Sir Henry Craik (Home Member): They say an inquiry should be made

Mr. S. Satyamurti: The report of the court of inquiry has now been examined by the Government of India, I presume, and it has been decided, with the full approval of the military authority, to hand the case over to the civil Court to be dealt with. What they are dealing with is whether A or B or C is guilty of certain acts, and if so what those acts amount to under the Indian Penal Code. I am not on that question now. What I am on is the preceding state of affairs in the regiment which made it possible for this incident to happen. What that incident amounts to in law, what the responsibility of A or B is in respect of that incident, are matters which are at the moment before a Court of law.

Mr. President (The Honourable Sir Abdur Rahim): I understand that the Honourable Member wishes to establish the lack of discipline by the facts of this very incident

Mr. S. Satyamurti: By the fact that certain men have been found by a court of inquiry, appointed by the Government of India, to have been guilty of certain offences (*Cries of "No, no" from Government Benches*). According to them, at least a *prima facie* case has been established for handing over these men to the civil authorities. You will notice, Sir, that in the ruling cited by Seth Govind Das yesterday this point was elaborately discussed; and so long as I, and you as President, see that matters which are actually *sub judice* are not actually brought under discussion, it seems to me that it is eminently a matter to be discussed by this House. And I will say another thing. Assuming that this trial is over and these people are found guilty, the matter will cease to be urgent. It comes to this, therefore, that when a thing like this happens we are neither here nor there.

An Honourable Member: You can put down a Resolution

Mr. S. Satyamurti: My Honourable friend knows or ought to know that a Resolution has to go through a hurdle race

Mr. President (The Honourable Sir Abdur Rahim): After the trial, cannot a motion for adjournment be put down?

Mr. S. Satyamurti: Subject to what you say, Sir, it seems to me that they may take it up to the High Court, in which case months will elapse, and it will cease to be a matter of urgent importance. We are now in a cleft stick. We cannot discuss it, and I submit that the Court as such has nothing to do with discipline in the regiment. The Court cannot punish the regiment and cannot censure the Government. It can only find A or B guilty of assault or manslaughter or murder and hang him. The question which I want to bring up is the absence of discipline. I do not want to put it forward as a matter of argument now but you will have noticed, as any reader of newspapers has noticed, that this thing is a growing evil everywhere. This want of discipline is becoming apparent and these British soldiers take the law into their own hands. What I

[Mr. S. Satyamurti.]

want to discuss is the question of lack of discipline, which no Court can deal with.

The Honourable Sir Nripendra Sircar (Leader of the House) : Sir, I oppose this motion. I need hardly remind you that in a motion like this only one single specific matter can be discussed and my Honourable friend has really mentioned one single specific matter. And what is that ? The lack of discipline in the King's Regiment as evidenced by the conduct of certain soldiers of that regiment in the village of Benda. Therefore, the sole specific matter is the conduct of these soldiers in the village of Benda....

Mr. President (The Honourable Sir Abdur Rahim) : Lack of discipline

The Honourable Sir Nripendra Sircar : As evidenced by the conduct of some soldiers....

Mr. President (The Honourable Sir Abdur Rahim) : He puts it on the ground of lack of discipline.

The Honourable Sir Nripendra Sircar : True : but the lack of discipline is based on the specific matter of the conduct of some of these soldiers in the regiment in the village of Benda. He is thus including a matter which is going to be discussed in a Court of law. If I may remind you, Sir, of a previous ruling on this matter, such a motion must be restricted to a single specific matter of recent occurrence and must be of an urgent nature. I read through the notice again : it says "lack of discipline in the King's Regiment as evidenced by the conduct of some soldiers of that regiment". Therefore, the conclusion that there is lack of discipline is based on one matter only, namely, the conduct of some soldiers of that regiment in the village of Benda. There is no other ground for suggesting lack of discipline and there is nothing further which can be made really the basis of this lack of discipline.

Then I take another point. When you talk of lack of discipline it is only when the case has been tried then we will know what the facts of the case are. Surely by using the word 'discipline' nothing is advanced. What I mean is this : we must take all theoretical objections : supposing the Court finds, as a matter of fact, that there was justification for the exercise of the right of self-defence and so on,—it may not be a fact which may be ultimately proved—but if that is so, there will be no question of lack of discipline. Again, supposing these soldiers were not at the time of alleged occurrence under military orders or disciplinary orders to remain inside the barracks or inside the cantonment : they were out, they committed murder, they committed other offences : those are crimes for which anybody would be punishable, irrespective of the fact whether they are subject to military discipline or not : whether in doing that they simply broke the ordinary law of the land like committing murder or assault or so on or not has nothing to do with the question of discipline. All these matters can be discussed really after the case has been tried. Then, what is the urgency about this ? Supposing, as a matter of fact, some soldiers in the regiment did behave in an improper way, where is the urgency ?

Mr. President (The Honourable Sir Abdur Rahim) : The urgency is stated here—lack of discipline in the regiment, so that the authorities may take proper action.

The Honourable Sir Nripendra Sircar : Is it right to expect that the authorities would take action when the matter has been taken to Court before the lack of discipline is established ? Is that right or fair ? I do not deny that it is a matter of recent occurrence, but that is not enough to carry my friend through . .

Mr. President (The Honourable Sir Abdur Rahim) : The question comes to this : whether the lack of discipline can be proved in any other way excepting by what has occurred

The Honourable Sir Nripendra Sircar : The notice specifically confines itself to this evidence : if he had cited no evidence whatsoever, then I could understand—but the language is perfectly clear—‘ lack of discipline as evidenced by the conduct of some soldiers of the regiment ’. That is the whole gravamen of the charge, that is the sole foundation for making this complaint of lack of discipline : there is no other I submit on this motion as drafted, knowing that the conduct of these soldiers is now being investigated in Court, you should not allow this motion.

May I just say one word more in answer to my Honourable friend's arguments ? If it is not urgent now, then he says this may go on for two months and after that it may be dragged on in the High Court for a year and then when he comes here he will be told “ Too late ”. Whether he will be told that he is too late or not I do not know that will be a matter for your ruling, if the occasion arises But surely the whole fallacy of that argument is as if a motion for adjournment is the only method of discussing a grievance before this House Unless you make that basic assumption, unless you assume that there is no other way in which a thing can be done, that argument has no force. . . .

Mr. President (The Honourable Sir Abdur Rahim) : What can be done now ?

The Honourable Sir Nripendra Sircar : It may be done not now, but later, by a Resolution (Laughter from the Opposition Benches) I am meeting the point that it is not urgent supposing the matter comes up after a year or six months. . . .

Mr. President (The Honourable Sir Abdur Rahim) : There may be some other kind of remedy.

The Honourable Sir Nripendra Sircar : My friend is assuming as if he has no other remedy at any time. . . .

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muham-madan Rural) : But why “ any time ” ? We want it now.

The Honourable Sir Nripendra Sircar : I am meeting the argument there will be no remedy later Before I resume my seat, I will read from page 30 of the Book of Rulings

“ The formal moving of the adjournment of the House as a tactical method of introducing new matter into the day's work has during the nineteenth century been gradually but steadily discouraged by the rules of the House ”, says Joseph Redlich in his Procedure of the House of Commons

Of course, my Honourable friends may say this is the 20th century.

[Sir Nripendra Sircar.]

Further on, the same author says :

“ By the present rules such a motion for adjournment can only be permitted in case of special urgency ” ;

and I am anxious that the same principle should be established in this House.

I submit, Sir, that if this trial goes on we shall know the facts, and then it will be time for us as well as for the Government to decide what should be done.

Seth Govind Das (Central Provinces Hindi Divisions : Non-Muham-madan) : Sir, as regards the urgency of this matter, which has been disputed, I may say that I come from the place where this incident has taken place, and I can tell you that round about the place, where the soldiers are stationed, there are many small villages.....

The Honourable Sir Nripendra Sircar : On a point of order, Sir, is my friend right in discussing these matters now ?

An Honourable Member : What is the point of order ?

The Honourable Sir Nripendra Sircar : My Honourable friend is referring to evidence about the conduct of these soldiers.....

Mr. President (The Honourable Sir Abdur Rahim) : I would like to hear what the Honourable Member, Seth Govind Das, says

Seth Govind Das : I was pointing out, Sir, that the place where the soldiers live is surrounded by many small villages, and, on account of this incident, the villagers who live there are afraid of such incidents or even more serious incidents in future ; what I want to point out, therefore, is that this matter is very urgent and the discussion on it might enable the military authorities to prevent the recurrence of such offences in the near future ; it is, therefore, a matter of very great urgency

Mr. President (The Honourable Sir Abdur Rahim) : I have considered this matter carefully, and I think I must hold that this motion cannot be discussed usefully without investigating the conduct of the soldiers of the King's Regiment implicated in the incidents alluded to. The sole evidence in the notice of motion before the House, as stated here, is the conduct of those soldiers. The House cannot discuss the conduct of those soldiers without taking into consideration the incidents of this occurrence, and, as the whole matter is *sub judice*, I feel that the rules stand in the way of this motion being allowed. I, therefore, disallow this motion.

DESPATCH OF TROOPS FROM BRITISH INDIA TO ADDIS ABBABA (ABYSSINIA).

The President (The Honourable Sir Abdur Rahim) : The next motion is in the name of Pandit Nilakantha Das. He proposes to ask for leave for adjournment of the House to discuss a definite matter of urgent public importance as follows :

“ The despatch of troops from British India to Addis Abbaba (Abyssinia). ”

Is there any objection to this motion ?

(No objection was taken.)

Does the Honourable Member wish to move this ?

Pandit Nilakantha Das (Orissa Division : Non-Muhammadan) : Yes.

Mr. President (The Honourable Sir Abdur Rahim) : The motion will be taken up at 4 o'clock.

ELECTION OF A MEMBER TO THE STANDING FINANCE COMMITTEE.

Mr. A. H. Lloyd (Government of India : Nominated Official) : Sir, in the absence of the Honourable Sir James Grigg, and, on his behalf, I beg to make the following motion, with your permission :

“ That this Assembly do proceed to elect, in such method as may be approved by the Honourable the President, a member of the Standing Finance Committee to fill the vacancy caused by the resignation of his seat on the Assembly by Sir Leslie Sewell Hudson ”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That this Assembly do proceed to elect, in such method as may be approved by the Honourable the President, a member of the Standing Finance Committee to fill the vacancy caused by the resignation of his seat on the Assembly by Sir Leslie Sewell Hudson ”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : I have to inform Honourable Members that for the purpose of election of a member to the Standing Finance Committee the Notice Office will be open to receive nominations upto 12 Noon on Friday, the 6th September, and the election, if necessary, will, as usual, be held in the Secretary's Room in the Assembly Building on Wednesday, the 11th September, 1935, between the hours of 10-30 A.M. and 1 P.M. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE CINEMATOGRAPH (AMENDMENT) BILL.

The Honourable Sir Henry Craik (Home Member) : Sir, I beg to move :

“ That the Bill further to amend the Cinematograph Act, 1918, for a certain purpose, as passed by the Council of State, be taken into consideration.”

This Bill has been passed by the Council of State and we would have proceeded with it in this House last Session had time permitted. The Bill is designed to meet an evil which has been felt and commented on for some years, namely, the improper and suggestive form occasionally taken by certain cinematograph posters and advertisements. The evil came to notice a good many years ago when the Cinematograph Committee of 1928 reported that it was desirable that it should be checked, but the only suggestion they made to check it was that the police or the magistracy should have statutory power to remove an objectionable poster, and that disobedience to any order of removal should be made punishable. That suggestion was considered by the Government of India, but it was not thought very satisfactory, as it was felt that it would fail to achieve the object desired, that is to prevent the exhibition of objectionable posters. The bulk of the Local Governments who were

[Sir Henry Craik.]

consulted on that occasion preferred the remedy which has been embodied in this Bill, namely pre-censorship. We had many protests about cinematograph posters, and I shall quote a few of the bodies and people who have made such protests. The Association for Moral and Social Hygiene writing quite recently said that these posters do much harm, and added, "when we consider the standards of courtesy observed between the two sexes in households in India, it is difficult to see any reason for the delay in prohibiting these undesirable posters, often American in origin." Another protest was made by the All-India Women's Conference which met at Calcutta in January last year, and another one by the National Council of Women in India, a body of which Her Highness the Maharani of Baroda is the President, another one by the Bengal Welfare Association, of which Sir P. C. Ray is the President, and yet another by the Bombay Presidency Women's Council. Finally, the Municipal Corporation of Bombay, during the presidency of Dr. Deshmukh, now a Member of this Assembly, wrote in October, 1934, thus :

"It has been brought to the notice of the Corporation that posters depicting love scenes were exhibited by cinematograph companies in prominent places and that in the opinion of the Corporation there should be censors to prevent the exhibition of objectionable posters."

There were a number of other protests. I have only quoted a few of them. A large number of representations were made to Government to take legislative steps to cure this evil.

Now, Sir, the Bill which is before the House today has been prepared after consulting Local Governments and also Boards of Film Censors. Such Boards exist, I think, in five provinces, Bombay, Bengal, Burma, the Punjab and Madras,—I think I am right in saying that. The Bill provides that advertising matter of a pictorial nature should be censored by the Boards of Censors. We do not propose to extend the censorship to literary matter such as pamphlets and advertisements in newspapers unless they contain pictures, because we do not think that much harm is done by advertising matter of that kind. But posters and pictorial advertisements are sometimes indecent. If any Honourable Member is not prepared to accept my statement, I have had some examples of objectionable posters put up in the Library, and I think any Honourable Member looking at these posters will agree with me that they are, I won't say, obscene in the sense that they amount to an offence under the Penal Code, but they are I venture to hold distinctly suggestive and in some cases it would not be an exaggeration to describe them as indecent.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions . Non-Muhammadan Rural) : They are all foreign and not Indian.

The Honourable Sir Henry Craik : Most of them are foreign, but there are some Indian too.

Broadly speaking, the provisions of the Bill are that these pictorial advertisements must be exhibited for pre-censorship before the Board of Censors and the penalty provided for exhibiting publicly posters which have not been passed by the Censors is a fine of Rs 500, and in certain cases, a recurring fine as well if the offence is repeated after warning. I

hope that the Bill will be treated as non-controversial and that the House will accept its principle. Since the Bill passed the Council of State in February or March last, we have taken the opportunity of consulting Local Governments, Boards of Censors, and through them the trade. Certain objections have been put forward by the trade, but from a great many of the trade bodies and corporations that we consulted no replies have been received, thus showing that they are indifferent in the matter. Those that have objected have had their objections considered both by the Local Governments and by the Boards of Censors who are, of course, in constant touch with the trade, and the Board of Censors report that the apprehensions which the trade entertains are in fact ungrounded and that little or no inconvenience will be caused to the trade if this Bill becomes law.

The Honourable the Deputy President suggested that there was no need to apply this law to posters of Indian films. It would be difficult to distinguish between films produced in one country and films produced in another, and although I admit that taking it by and large the Indian posters are less objectionable than those that come from abroad, it is not the case that we have not had any complaints about Indian films. That was a matter specifically considered by the Board of Censors of Bengal which is the province particularly affected, being the province where I think most of the films produced in India are made.

That is all I have to say on the general lines of the Bill. I think the Bill, as it passed the Council of State, is capable of improvement in certain respects. We have had certain definite suggestions made to us by one or two of the provincial Boards of Censors for the modification of the Bill, and I have myself given notice of one or two amendments to that effect. I see that there is an amendment to my motion, for the appointment of a Select Committee. If that is the general wish of the House, I am quite prepared that the Bill should go to a Select Committee, but I must warn the House that that may possibly mean considerable delay in passing the Bill. I doubt very much whether we shall have time to get it through a Select Committee this Session in view of the pressure of business, but I quite agree that the Bill does want amendment in its present form and I am perfectly ready to give the House, or a Select Committee if that is the general view, an opportunity of considering and adjudicating on such objections as have been made by the trade to the Bill.

Mr President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill further to amend the Cinematograph Act, 1918, for a certain purpose, as passed by the Council of State, be taken into consideration.”

Notice has been given by Mr. Gadgil of an amendment which he wishes to move.

Mr. N. V. Gadgil (Bombay Central Division. Non-Muhammadan Rural) : Sir, I move :

“ That the Bill be referred to a Select Committee, consisting of Dr. G. V. Deshmukh, Seth Govind Das, Mr. Samuel Aaron, Mr. Amarendra Nath Chattopadhyaya, Mr. Muhammad Nauman, Mr. H. A. Sathar H. Essak Sait, Sir Ghulam Hussain Hidayatallah, Sir Abdul Halim Ghuznavi, Mr. J. Ramsay Scott, Mr. Pradyumna Prasad Singh, the Honourable the Home Member, Rao Bahadur M. C. Rajah, Mr. A. S. Hands, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six.”

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill be referred to a Select Committee, consisting of Dr G. V. Deshmukh, Seth Govind Das, Mr Samuel Aaron, Mr. Amarendra Nath Chattopadhyaya, Mr. Muhammad Nauman, Mr H. A. Sathar H. Essak Sait, Sir Ghulam Hussain Hidayatallah, Sir Abdul Hahm Ghuznavi, Mr J. Ramsay Scott, Mr. Pradyumna Prashad Singh, the Honourable the Home Member, Rao Bahadur M. C. Rajah, Mr. A. S. Hands, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six ”

Discussion will now go on on both the original motion and the amendment.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Sir, there can be no controversy over a Bill like this when we are as much interested in regulating the exhibition of pictures as the Honourable the Home Member. We have to remember that the object of this Act was to regulate the exhibition of pictures, but now I want to put before the House the other side of the shield. Under this Bill, we cannot forget that more and more power is being given to the so-called authority, the licensing authority, call it the Board of Censors—more and more power is being given, and it cannot be denied, and, I hope, it will not be denied even by the Honourable the Home Member, that this power has not always been exercised with reason. Indeed, I may say that very often this power has been exercised in an autocratic fashion, and there is a good deal of feeling in the public against the Board of Censors. To quote an instance that happened not so very long ago, some films were imported into this country as educational films. Those films were passed by the International Board as educational films. I happened to see some correspondence on them, and I believe I am correct when I say that in one of the letters from the Government of India it was asked what was the meaning of educational films ; they did not understand. If that is the position, I say, by all means give wider powers in the interests of moral hygiene if you like to the Board of Censors. But then you must be very particular as to how this Board of Censors is constituted. We find that, all over the country, the authority in many places is given to District Magistrates and Police Officers and Police Commissioners. It seems to me that this is behaving in a very backward fashion. After all, India is not such a country where, particularly in big cities like Bombay, Calcutta and Madras and other cities, you will not get public men or public bodies to associate themselves with the censors so that the films may be properly judged when they come up for inspection and there would be less of feeling amongst the merchants as well as the film importers. What I would suggest is this. I take it that the Bill is now going to the Select Committee and the Home Member has himself agreed to it. For instance, in cities like Bombay and Calcutta, where there are public bodies like the Bombay Corporation and the Senate of the University of Bombay, you would find many public spirited men perfectly willing to co-operate with the work of the Police Commissioners. In the different cities of India, you will find the same condition of things, and, if you associate them, there would be less of grievance and less of heart-burning when a film is censored. I would like that in this business of censorship educational institutions and public bodies should be more and more associated. If that is taken up in the Select Committee, I think that would be a very wise measure, and I do not suppose there would be much difficulty about passing the Bill in this House.

Mr. Abdul Matin Chaudhury (Assam : Muhammadan) : I quite appreciate the desire of the Government of India to safeguard the morals of the public by prohibiting the exhibition of objectionable posters. Having seen the samples of the posters that have been put in the Library and also the posters in the streets, I am not convinced that they are so devastating in their effect on public morals as to require the enactment of this measure. Holding as I do a rather unorthodox view regarding this matter, I am not very nervous about the consequences of exhibition of a certain type of posters. As to the question of what is objectionable, opinions differ and the opinions of the highly respectable citizens who constitute the Board of Censors are not always above criticism. When the film producers produce some film they produce also the advertising material and naturally they take care to see that these materials are of such a character as not to offend against the accepted notions of obscenity or immorality and so far as my information goes the posters produced by the Indian producers have not been found objectionable anywhere. It is only the posters that are imported from outside to which objection has been taken by the authorities. I do not understand why the posters that can be exhibited in England and America should come under ban in India. I think, Sir, it is too late in the day to suggest that Eastern people will have a wrong conception of European life from the posters that are printed in the West. Cinema has familiarised the Western life to Eastern masses and it is generally recognised that human nature is the same all the world over. I do not see any reason why if these posters are allowed to be shown and exhibited in England and America they should be banned in India. The Home Member referred to the report of the Cinematograph Committee. The Committee found that there were some tendencies to exhibit objectionable posters but they did not recommend that the cinema producers ought to be put to the inconvenience and trouble of submitting the posters to the Board of Censors. They thought that it would be sufficient if the police took away the objectionable posters. I think that no cinema producer will go to the length of spending money on printing the posters when he knows that they are likely to be snatched away by the police when exhibited in public. I think the recommendation of the Cinematograph Committee was quite a cautious one and it should meet the needs of the situation. I would again say that the Indian film producers have not been found guilty of showing objectionable posters and why should they be penalised for the sins of the European producers?

The Honourable Sir Henry Craik : I said that there have been some cases which have been objectionable.

Mr. Abdul Matin Chaudhury : Opinions will differ. The posters held objectionable by Board of Censors may not really be objectionable. As I said, my views are unorthodox in this matter. I do not consider that the posters that I have seen on the streets are so objectionable that they should be banned. I am glad that the Home Member has accepted the motion for reference of the Bill to the Select Committee and I think the matter can be thrashed out there.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Mr. President, like my friend, Mr Abdul Matin Chaudhury, I am opposed to this measure, but on grounds exactly opposite to his. Before I proceed further, I should like very respectfully to con-

[Mr Sri Prakasa.]

gratulate the Honourable the Home Member for keeping his eyes and ears open and alert at least in the matter of complaints that come on such matters as he likes, while his eyes and ears are absolutely closed to complaints of other kinds, such as those that come from Bengal. You will remember, and I am sure many Members of this House will remember, that Lord Irwin on one occasion said that the Indian people get a very wrong idea of European life owing to the cinemas. I agree with Lord Irwin. Having been myself abroad, I do not think European life is so corrupt and so utterly bad as is depicted in the cinemas that are exhibited in this country. Being a human being and not being governed by racial considerations, I feel it as hurtful to my own self-respect if any other human being is traduced or libelled; and I stand for the proper representation of European life in my country as much as I do for the proper representation of Indian life in countries abroad. It may perhaps satisfy the morbid taste of some gentlemen opposite to see to it that Indian life is traduced and painted in very evil colours abroad. It may even satisfy their lust for slander, to see that Miss Mayo's scandalous book is distributed free of cost abroad; but it does not satisfy me to see that Europeans are shown in a wrong and bad light in my country. Despite the European clothes worn by many of my countrymen in this House, I know that their homes are not European and that they do not live exactly as Europeans do. Ideas of decency and of morality differ in certain aspects in different countries, despite all that my friend, Mr. Abdul Matin Chaudhury, may say. I am not an expert on cinemas; I am not even an expert on the posters of cinemas. If I may confess candidly, I have not been to a cinema house more than twelve times in my whole life of forty-five years. (Laughter.) I have not looked at many of the posters that are exposed; but the few posters and the few films that I have seen have given me the idea that the whole thing is seriously corrupt. If the Cinematograph Act itself were under consideration, I should be the first to propose that all cinemas in this country should be abolished (Oh! Oh!) (Hear, hear) unless decency and educational value could be ensured in the shows together with recreative pleasantness. But we are here limited by the terms of this Bill. I am one of those that do not like over-loading the Statute-book. I do not like lots of laws which are only honoured in the breach....

The Honourable Sir Henry Craik: "More honoured in the breach...."

Mr. Sri Prakasa: If the Honourable Member is correcting my English, I may say that he himself is wrong. 'More' is used when a comparison is made. I did not say "more honoured in the breach than in the observance". If I had said that, he would have been right; but I did not use the latter expression at all. I simply said: "which are only honoured in the breach". I do not know to what university my Honourable friend belongs. I suppose he belongs to Oxford, but I belong to Cambridge (Hear, hear), and we Cambridge men yield to no one. I was just going to say that the Indian Penal Code and the police laws, as they exist in the country, are quite enough to meet the danger that the Honourable Member is afraid of. There are laws about decency, there are laws against obscenity; and I am sure the police is not doing its duty when it allows objectionable posters to be exhibited in public places. If only the police authorities look into

the laws that they are supposed to administer, they will see to it that these posters are abolished without the help of any additional laws. The reason why I am opposed to this measure is that I have no faith in the censors. As my Honourable friend, Dr. Deshmukh, has already explained, these censors behave in a funny and autocratic manner. They don't care for their duty but act according to their own notions of things. Though the Honourable the Home Member assured the House or seemed to assure the House that his purpose was to stop indecency and immorality, I may assure you, Sir, from such experience as I have had of his Government and of himself, that all this censorship is going to be used mostly for political purposes. (Hear hear) I will give you only one illustration. The other day, in Farrukhabad in my Province, and in my constituency, a cinema company wanted to exhibit a film showing scenes from the Bombay Congress. The District Magistrate of that place advised the manager of the cinema company not to exhibit this film. We all know what the "advice" of a District Magistrate means: if that "advice" had been disregarded, the manager and his company would have gone to pieces! This is the way the censors work here. Sir I have no trust in these censors any more than I have any trust in this Government and its personnel (Hear, hear), and, therefore, I am most anxious that there should be no law on the subject, and no addition to the existing law. What are these posters, after all? They are only a replica, so far as I know, of the films that have been passed by the censors. In European countries they have a standard of clothing: for instance, they see nothing very indecent in a lady of rank and title appearing in a skirt not lower than her knees, but in India—we may be wrong—we regard this as indecent, and we think that women should be more clothed than this. I have no objection to European women putting on whatever clothes they like; they follow their own standards, but we do not want those standards to come here. I have seen on the few occasions that I have been in a cinema hall (Laughter) the audience indulging in ribald laughter whenever they see some scene thrown on the screen which would not have elicited even a smile from a European audience. Here they feel that it is something very amusing.

I will refer—if you will permit me to do so, Sir,—to the rather embarrassing subject of kissing. (Laughter.) Now, in India, we are not much used to being kissed or to kissing (*A Voice* : What?) in public. In India—I am not talking about those gentlemen who have been aping European manners (Laughter), I am talking of the vast mass of the people—I can tell you, Sir, that if you take a census, you will find that about 90 per cent of husbands have never kissed their wives (Laughter) (*Voices of* "What?" "What?"), and certainly 99 per cent of Indian wives have never kissed their husbands (Laughter) in public. Now, kissing in public here is almost reserved to babies; but in European countries public kissing is a very common thing. In England, for instance, men and women kiss each other without creating any confusion at railway stations. (Laughter) On the continent of Europe, men kiss each other without creating any similar confusion. If men kiss each other in England, there would be confusion, because that is not the custom there. In England, you are only authorised to kiss ladies, and if you go beyond that, you will get into trouble. Now, whenever these films of indiscriminate kissing are exhibited, there is always ribald laughter here from those who are witnessing these scenes.

An Honourable Member : They are beginning to like it.

Mr. Sri Prakasa : They are beginning to like it, and I am sorry for them ; and I wish that Government, if they mean to be a Government—I doubt if they mean to be a Government, they only mean to be a 'tyrant—if they really are a Government in any sense of the word, they will see to it that the immoral in human nature is not encouraged.

The Honourable Sir Henry Craik : Is kissing prohibited ?

Mr. Sri Prakasa : I ask the Honourable Member who is pretending to indulge in a moral lecture to this country, in the case of everything that a human being does in private, why should not all that be exposed on the screen, and why bring in this law ? Sir, I cannot understand the Honourable Member indulging in moral lectures ; I can understand him in the realm of politics. My clear submission to this House is that we must stand against all exhibition of immorality and indecency according to our standards and not according to the standards of Europe. I say that the whole of the cinema censorship is wrong in principle because persons who are in charge of censorship are themselves rather fond, as one of my friends said, of those things which they pass as good. And what happens in Mofussil towns ? I can give many examples from my own city of Benares. The policemen themselves are rather fond of seeing cinemas and so are the magistrates. I know of deputy collectors phoning to the police station, and asking the *thanadar* to inform the neighbouring cinema house that His Majesty the Deputy Collector with his family wants to visit the cinema ; and seats are thereupon reserved for them without any payment. When policemen and magistrates are allowed free admission to cinema houses, of course, they are very chary of running cinema men for indecency and immorality. How does the Home Member expect that this evil of his Government will be abolished ? If any wrong doing on the part of magistrates and the police are mentioned to him, he says : "I have never heard about them. All this is absolutely false and untrue." He was saying the same thing when informed of the actual happenings in Bengal. Any complaint that is made against his subordinates is false and untrue ; and anything that he likes to believe is true. We have seen how sensitive he was when the motion for adjournment was moved this morning. He seemed to me to be treating very lightly the life that was taken in Jubbulpore. But when it comes to his own subordinates and members of his own Government, he becomes awfully sensitive. I shall have more to say if I get an opportunity, when his infamous Bill *re* Criminal Law Amendment comes before the House. But for the present I shall be satisfied with saying that this Bill be withdrawn and that the Home Member and his Government should instruct all subordinates throughout the country to see that immoral and indecent posters are not exhibited in the public streets. I may assure the House that there is plenty of scope under the terms of the various existing laws, for example, the Indian Penal Code and the Criminal Procedure Code, for the local magistracy and the local police to take action against offenders. As I said at the beginning, I do not want to overburden the Statute-book. The larger the number of laws that you enact the lesser the possibility of their being followed in action. With these few words, I wish to appeal to both sides of the House to throw out this Bill and to depend upon the ordinary law of the land.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Seth Govind Das (Central Provinces Hindi Divisions . Non-Muhamadan) : Sir, I do not want to give a silent vote on this question as I am personally connected with this industry and I know its difficulties. At the very outset, I want to make it clear that I am one of those who want to censor films from a moral point of view, and the concern with which I am connected is floated to produce such films which are clean from a moral point of view. But, at the same time, I do not want that such restrictions should be imposed on this industry, which will kill the industry itself.

Now, Sir, according to this Bill, representation of every picture will have to be brought before the Board of Censors. This pictorial representation will not contain only big screens and posters, but even photographs and blocks, the number of which goes sometimes even to hundreds. Sir, to bring all this material before the Censor would be not only too difficult a job for these film concerns, but would be too expensive. In different papers, when the cinema advertisements appear, those papers also make blocks in different ways and in different combinations. These papers are published from different parts of the country. It would be very difficult, I should say, it would be practically impossible, for these papers to get their blocks censored by the Board of Censors. Then, generally, all photographs of these blocks are prepared from the material of the films which are censored. I do not see the need of censoring these things again when the film is already censored.

When this Bill was being discussed in the Council of State, the Honourable Raja Ghazanfar Ali Khan asked whether Government had received any complaint about the advertisements concerning the films which were prepared in India to which the Honourable Mr. Hallett replied, "No, Sir, I do not think we have". The Honourable Raja Ghazanfar Ali Khan again asked if he would not confine this Bill to imported films alone, to which the Honourable Mr. Hallett said, "No, Sir". I do not understand why, when complaints are not received as far as the Indian films are concerned, this Bill should not be restricted to the imported films only and why should this Bill be applied to indigenous films also?

I do not want to take up much of the time of the House, but, before I sit down, I must say one thing more, and that is that I do not think this Bill is a safe one from the political point of view as well. Recently a film was produced by a film concern in Bombay, namely, Ajanta, its name was "Mazdur", and the story of that film was written by a famous Hindi writer, Babu Prem Chand. This film has been banned in most of the provinces from the political point of view. This Government calls itself the Government of India, but there is no denying the fact that it is not our Government, and I shall be the last person to give any more powers in any direction in the hands of the present Government of India. Therefore, I must oppose this Bill both on principle and on its merits.

Dr F. X. DeSouza (Nominated Non-Official) : Sir, although the Bill is being treated more or less as a non-controversial measure, yet I should like to intervene in this debate for a few moments to express my gratitude to the Honourable the Home Member for introducing this Bill, on behalf

[Dr. F. X. DeSouza.]

of the Indian Christian community which I represent in this House. No community, Sir, views with more concern the mischief done by obnoxious films than the Indian Christian community. Representing as these films profess to do the types of culture and modes of life prevailing in Christian countries, people in the East have a tendency to regard these films as typical of the Christian culture of the West. Therefore, we, the Indian Christians in this country, feel as if Christianity itself was on trial in the East. It is, however, unnecessary to inform this enlightened House that these films are not typical of Christian culture at all. They represent the culture which Hitler has called the Bolshevisation of culture and are no more representative of the true Christian culture than the Bolshevik State represents the ideals of a Christian State.

Sir, there is indeed a school of thought in this country which was referred to this morning by my Honourable friend, Mr. Sri Prakasa, which regards these disgraceful exhibitions of European life not without some satisfaction. They do not wholly condemn these exhibitions, because they think that they tend to lower the prestige of the Western races in the eyes of the Eastern people. I, for one, do not share these feelings. As my Honourable friend, Mr. Sri Prakasa, expressed it this morning in his best Cambridge manner, these films are a degradation of our common humanity.

As I have said the measure is being treated more or less as a non-controversial measure, there is general agreement about its being referred to a Select committee. Two types of mind were brought to light in the course of the debate this morning. One type was that of extreme conservatism which regards kissing as mischievous and short skirts as a source of great danger. There is another school of thought represented by my Honourable friend, Mr. Abdul Matin Chaudhury, who thinks that no harm can be done by a picture however bad it may be. I shall leave these two extremes aside and I think the general sense of the House is that the posters which are now advertised do contain very objectionable matter, and it is up to the Select Committee to inquire to what extent they should be stopped.

My Honourable friend, Mr. Sri Prakasa, said, after all what is a poster? A poster is merely a replica of the film and if the film is not censored, why censor the poster? Well, Sir, I do not agree with him nor did the Cinema Committee which inquired into the matter in 1928. I will use the words which the Cinema Committee used:

“Posters like other catchpenny devices are often more lurid than the goods which they advertise and at times refer to scenes which have been excised either by the censor or the exhibitor himself.”

As an instance they say that they themselves witnessed an enlarged poster advertised “Kiss me Again” in too suggestive a manner but the film itself was absolutely harmless. True, the old proverb says that good wine needs no bush. Apparently, according to the experience of the Cinema Committee, a good film requires a bad poster in order to make it more alluring.

Sir, I shall not detain the House further except to mention one thing and that is that when the Select Committee comes to consider this Bill they will bear in mind one or two points referred to this morning. The

first was the constitution of the Board of Censors about which I see there is general dissatisfaction in the larger cities of Bombay, Madras and Calcutta. They consider that superannuated old gentlemen are not in touch with modern ideas and they want that the Board of Censors should be more representative by having men interested in education, social reform and other public activities to be included in them. The second point to which I should like to draw the attention of the Select Committee is that more facilities should be given to producers of films than exist at present. I understand that both in Madras and Bombay there are no decent projection boards at all provided, and the unfortunate producer has considerable expense in hiring a theatre from one of the cinema exhibitors and he has to pay the taxi hire of inspectors and incur expense before the film is passed. Third and last, I should also draw the attention of the Select Committee to the fact that the industry has now become a national industry. I hear that in Bombay nearly 20,000 men are employed in this industry and therefore a national Government which this Government is gradually becoming should feel that it is its duty to make it a national industry by abolishing the duty on raw films, by having educational films or patriotic films produced or in any other way that may suggest itself to the Select Committee. Sir, I support the motion.

Mr. M. Ghiasuddin (Punjab : Landholders) : Sir, I wish to draw the attention of the House to the fact that no good can come out of this measure unless a radical change is made in the type of persons who are to be appointed as film censors. How will anybody feel if a blind man were made a judge of art, or a deaf person a judge of music or a teetotaler were made a wine taster in a hotel? At present the only qualification which is required of a man to be appointed as a film censor is that he should have ultra-puritanical views and so we see some of the best pictures being slaughtered because the persons so appointed have no sense of art. I can illustrate my point by quoting what happened very recently in Lahore. A picture called "The Private Life of Henry the Eighth" which was exhibited both in America and in England and to which the critics of both countries gave very fine certificates was censored because they thought it would bring hatred and contempt on the English race here. It was shown in London where it was a great success and I suppose there are a few English people in London. It did not hurt any of their susceptibilities; yet it was thought that this picture would bring into hatred and contempt the English people over here. On the other hand, pictures which show Asiatics as villains and Englishmen as heroes and in which Asiatics are depicted in the worst colours are freely exhibited without any restraint. So I wish to submit that, before this Bill is passed into law, the Select Committee would see that provisions are made to remove these defects.

Mr. Lalchand Navalrai (Sind. Non-Muhammadan Rural) : Sir, I feel much concerned with this Bill. Having taken some interest in this matter, I found that there are some matters which must be attended to by Government. On account of that I had communications with the Home Member and I drew his attention to the fact that in this Bill or in some other Bill provision should be made to checkmate the production of pictures in India which are quietly photographed here and taken to the other countries, developed there and exhibited to the detriment of Indian people. On that point I had some correspondence with the Home Member

[Mr. Lalechand Navalrai.]

and the House knows that at the last Session in Delhi two instances were brought before the House to show how attempts are being made in that direction by showing such films in countries outside India. I also suggested some remedy for that purpose but as the Home Member then stated that he would look into the question we waited to see what he would actually do in that respect. I hope I have made clear to the House what I mean. Some people come over here from America and other places and take incorrect pictures here of things which do not sometimes even exist. Thus many things manipulated are to the detriment of the Indian people and the country of India. These people take such photographs round to America and other places and exhibit them there : this is a thing that must be stopped with a strong hand, and for that purpose I hope that some method will be found out by the Government to check it. The last reply that I got from the Honourable Member showed his sympathy : it also showed that he had at his heart the question of safeguarding the interests of India in that direction, but he was not able to find out any remedy. He asked : "How can we prevent it ? There are secret ways of photographing and taking away these films." But I submit that in this matter if the Government have vision they will certainly find a way out. It cannot be that a mischief like this cannot be prevented. Government have got their own C. I. D. and their inspecting and other staff to find out whether things are being done illegally or not. At the customs offices and at the ports, inspections are always going on and so much money is being spent on inspectors' salaries and other precautions, and I am sorry to say that I get this reply. However, I do not despair—I never despair—and I hope the Government will think over this question and the Select Committee will give attention to this question and arrive at some method by which this evil could be checked.

Now, coming to the Bill itself, there are two motions before the House : one is to take the Bill into consideration and the other is to refer it to a Select Committee : and I think the Home Member has been wise in accepting the motion to refer it to a Select Committee. There is no doubt that it is not a contentious Bill ; it is also not objectionable if the provisions are worked properly. I would here submit that the original Cinematograph Act has not been worked properly, as was pointed out by Dr. Deshmukh : it is left in the hands of the District Magistrates, as so many other things are left in their hands : in many instances European District Magistrates do not know our customs and manners, our feelings and our tastes, and they give permission to show pictures, judging from the standard of their own country. I say the Censor Board should be constituted in such a manner that it should consist of Indian experts jointly though with European experts, of persons who feel themselves responsible to the people and who consult the views of the public and find out what is good and what is bad.

So far as the throwing out of the Bill is concerned, I am sorry I cannot join hands with my friend, Mr. Sri Prakasa. He has put his case very well ; but does he know that the Cinematograph Act exists today and that this Bill is only supplementary to it, adding one or two sections to it ? If it is suggested that the original Act itself should go off and that there should be no legislation in this matter at all, I for myself would not agree to it at all. Therefore, to reject this Bill will not achieve the object

in view. Our destinies and the destinies of the British have been mixed together and we cannot avoid their joining us in passing legislation for safeguarding this country and theirs. In this matter, however, the sense of morality itself is different, and I cannot agree with my Honourable friend, Mr. Abdul Matin Chandhury, that any picture which is good in America is good here. In fact, I do not think his own community will accept what he says here : I do not know where he got those ideas from. Is it Koranic law which tells him that an obscene picture should be accepted in this country ? (Interruption.) My friend is still young and he will revise his views later on : I know from my experience of him of so many years that he is open to correction and is not incorrigible. (Laughter.) I have seen the world and I can form my own judgment....

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : Are you within the 90 per cent, or within the 10 per cent. category of Mr. Sri Prakasa ?

Mr. Lalchand Navalrai : As I say I do not agree with those who think that this Bill should be thrown out. I do not also agree with those who say that what is good for America or for the British people is good for India. I say we must have a good body of censors in India. Some people say we must do away with cinemas altogether. If you can have Congress rule you can certainly do it : but at present it is no use saying those things. What I say and emphatically say is that precautions must be adopted for proper censorship before the Bill passes out of the Select Committee. The Committee should consider all these views. If no provisions are to be made and no precautions taken to get a better Board of Censors, then it is no use having this legislation. I think this side of the House is agreed that the censorship now is not impartial or good. Now if you want to censor films but you do not want to censor posters and advertisements it will be an anomaly. It is said there is no such law in England ; true, but even the Royal Cinematograph Commission, considering the condition in India, recommended it for India. I think they have sense enough, in fact they have more sense than some of us have here. My Honourable friend opposite asked how to meet the differences of opinion as to the kind of posters and pictures ? Are there not differences of opinion in this House ? How are such differences got over ? Such differences of opinion are got over by a majority. Have a useful Board of Censors, and if by a majority they consider that a certain film or poster is harmless, you can pass it, but if it is considered objectionable by the majority, certainly don't pass it. Therefore, I say that this is only a supplementary Bill, and so all necessary precautions and safeguards should be taken to see that the Act itself is also worked properly. We know in India how Bills when they become an Act are worked, how their provisions are carried out in practice. The whole measure is considered very nice by this House and it becomes an Act, and when it is sent out, how does the Executive work it ? They try to whittle down everything and then tell you that it is working very well. All I want to say is this. When the Bill comes out of the Select Committee and again comes before this House if necessary precautions are not taken or if certain provisions are not embodied in it as safeguards, I for one would ask the whole House to throw it out.

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadian Rural) . Sir, I wish to say a few words in respect of this Bill. Some of us on this side are sharply divided on this Bill according to their age. Persons as they grow old find objectionable matter in everything. I would say, Sir, that this Amending Bill is not necessary. Instead of making the original Bill more and more useful so that better films may be produced, and the industry as a whole is encouraged, every kind of obstacle is sought to be placed in the way of the further progress of this film industry. Recently, Sir, in an exhibition which was opened by Sir M. Vishweshwarayya, he explained how this industry is full of promise for the future and what great potentialities it has before it. Persons of various professions are engaged in this industry,—artists, play-wrights, photographers and engineers find occupation in this industry. Again and again resolutions have been passed and representations have been made to the Government that raw films brought into this country might be let off easily without charging a heavy import duty. Far from taking action in the direction suggested by the public, unfortunately every kind of stringent measure is sought to be adopted with a view to kill this infant industry. I would submit that if the original film itself cannot be exhibited without its passing through a Board of Censors, there is no need putting before that Board the advertising matter also relating to that film. Whatever the advertisement may be, a person takes the trouble of advertising a film only for the purpose of exhibiting that film. If the film is likely to be censored, the advertiser will not be foolish enough to send up posters at a huge cost to advertise his film, and if it is to be exhibited, there is absolutely nothing objectionable in allowing pictorial representations thereof to go in advance. Already the film producers are put to an enormous cost by way of fees for inspection and they have made various representations to Government from time to time. Under the Act, 50 per cent. of those who are nominated on the Board of Censors are officials and the other 50 per cent. are non-officials. Views are changing everyday regarding decency, and they are naturally different in different countries. Recently, an M. L. A. was found to be an obnoxious being, not a fit person to be admitted to society, because he had not put on western costume. We do not know where this will end. A kind of dress that is usually adopted in one country may be objected to by persons in another country. I would, therefore, say that if you select persons of the type who recently sought to avoid or exclude an Honourable Member of this House from a club, if such persons are put on the Board of Censors, we do not know if this industry will be allowed to flourish in this country at all. We are trying to be too sensitive in this matter.

With regard to sending advertising matter before the Board of Censors, I would say there is absolutely no need for it, it is not necessary and it puts the film producers to a very great expense.

Then, Sir, as regards the restrictions. In these days, we are trying to empower the Government with certain powers which can be used adversely to the interests of this country. "Dandi March" and similar films which are exhibited in other countries are not allowed to be exhibited in this country. This Amending Bill does not restrict the pictorial advertisements to obscene pictures or pictorial advertisements alone. Anything on political grounds can be tabooed. You are placing once again too much power in the hands of the Board of Censors, 50 per cent. of which is nominated by Government. Anything, however, useful to this country,

can be tabooed by the Board of Censors. I would, therefore, request Honourable Members of this House to consider whether it is desirable to place much more power than already exists in the hands of the Board of Censors over whose nomination or appointment this House has absolutely no control.

Then, even after a film is produced and exhibited, there is the District Magistrate or the local Superintendent of Police to throttle it, who says that even if the film has passed through the fire, even if it has been passed by the Board of Censors, it is objectionable so far as a small place is concerned, as if the morals contained in a picture exhibited in a small place differ from the morals in the presidency headquarters, so that films which are passed by a Board of Censors as fit for a big place become absolutely objectionable to a small place. That is how at any stage a film which is produced at an enormous cost is likely to be banned. Under these circumstances I suggest that this is not a measure which should receive support from this side of the House. However, as my friend has moved for reference to a Select Committee, I suggest that sufficient precautions should be taken in the Select Committee, at least with respect to this portion of the Amending Bill, to see that the Board of Censors consist of some representatives who will be free from bias or who would not be absolutely under the thumb of the Government.

Further, Sir, I would say that it is just and proper that film producers should have adequate representation on such Board of Censors. No doubt, this would mean a modification of the original Bill itself, but at least with respect to this portion,—the preamble not having been modified,—at the Select Committee stage necessary amendments should be made so that suitable provisions may be incorporated in the Bill in order to give proper representation to the film producers as also to the non-official public on the Board to ensure that proper films are not unnecessarily tabooed.

Then, as regards the difficulty which my friend, Mr. Lalchand Navarai, raised, that films produced in this country are taken surreptitiously to other countries where we are made a laughing stock, he was at pains to find out a remedy, and it appears that in spite of repeated representations the Government also expressed its inability to remedy this evil. I would suggest that there ought to be an International convention that unless a film is certified in the place of its origin, it ought not to be allowed to be exhibited in another country. Such a convention is not hard to get, because if other countries do not accept that convention, it is easy for us to exhibit in our country films depicting damaging things about those countries. Therefore all countries should be interested in bringing about that convention if it is possible. Of course, this may be a matter foreign to the scope of the present Bill and of the Select Committee, but I would suggest that the Honourable the Mover might bring the Bill in a modified form so that it may do more justice to the industry and the public at large. You will not prevent books, you may prevent these films and advertisements. I was really surprised when I went through the posters collected and kept in the Library. I did not find much of objectionable material therein, and I wonder how they should take objection to this when we find exhibited in every railway station nude pictures in journals of the nude society and sun bathing journals containing pictures of nude sun bathers. I do not know if the Government or the Honourable Member have ever seen those pictures. Here at least there is an attempt to cover up the coverable portions, but in those pictures there is absolutely no attempt to do so.

[Mr. M. Ananthasayanam Ayyangar.]

We are unfortunately in a position in this country where we have not got the means to cover both the waist and the upper portion of the body, and a sun bath is absolutely unnecessary in those circumstances. I find that there is no censorship in the case of the nude cult and sun bathing societies. You do not prohibit that, and still you try to prohibit this branch of industry in this country when it has not yet been able to raise its head. It is full of promise and, therefore, let us not be too careful and meticulous about this and kill the industry even in its infancy. I just want to say one word more. My Honourable friend, Mr. Sri Prakasa, being quite young I thought that he would feel like a young man. But he seems to be a puritan from his birth. He, incidentally, said that 90 per cent. of our people do not know what it is to kiss. I hope that he confines his objection to kissing in public. (Laughter.)

The Honourable Sir Henry Craik : Most of the speeches delivered by objectors to this Bill have dealt with the censoring, not of posters, but of films, and that is a subject with which the Bill does not deal in any way whatever. The Bill is wholly confined to a proposal that pictorial posters should be pre-censored. One or two objections have been taken on the ground that the Bill would prove a serious obstacle to the film producing or film exhibiting industry, and the Honourable gentleman opposite said that if the films themselves have to be censored, what is the point in censoring the advertisements which are merely a part of the film. That is not, strictly speaking, accurate. Advertisements very often represent scenes that are not actually in the films themselves. I imagine that most of the particularly objectionable advertisements are of that description. Further, it was said that the Bill would put additional expense on the industry. But there is no proposal that any additional fee should be charged in the censoring of advertisements. It is merely proposed that the advertisements should be shown to the Board of Censors at the same time as the films to which they refer. Honestly I do not think that it would really involve any additional expense or hindrance to the development of the trade. However, that is a matter that can and will certainly be gone into if the Select Committee is appointed.

My Honourable friend, Mr. Lalchand Navalrai, introduced quite a different subject when he referred to the correspondence which he recently had with myself about films manufactured in India. He asked me, so far as I recollect the correspondence,—I have not seen it recently—he asked me whether there was not some way in which films manufactured in India could be censored before they were taken out of the country. But I am afraid that is not practicable because a staff of photographers come out here and take photographs, but they do not develop them in this country and it is impossible to show them to the censor or to any one else, even if we were aware, as we cannot always be, where they were being made and when they were being taken out of the country.

Mr. Lalchand Navalrai : The Honourable Member will excuse me if I interrupt him. My point was whether the Government could not have means to find out when the productions are secretly made and taken out of the country. My correspondence will show that.

The Honourable Sir Henry Craik : I am sorry I cannot hear the Honourable Member. I will be glad to discuss this subject with him and

to show him what the practical difficulties in the way of his suggestion are.

Mr. Lalchand Navalrai : My Honourable friend said that when they are secretly made and taken out they could not be censored. My point was, and I have explained it today in my speech, that those pictures are secretly made and taken out of India, and some method should be devised to see that this does not happen.

The Honourable Sir Henry Craik : I had better have a discussion with the Honourable Member outside the House ; if he can make any practicable suggestion I will only be too glad to consider it. But it is very difficult to discuss it on the floor of this House by way of question and answer, and after all, it has nothing whatever to do with the Bill now under consideration.

I think I am right in saying that on the whole the House is sympathetic to the object of this Bill, and I trust that it will agree that it should be further considered either by Select Committee or by a Committee of the whole House, I do not really mind which. I do not think that the views expressed by the Honourable Member from Benares, which seemed to be of a very pessimistic nature, really reflect any large body of opinion either in this House or in the country. The Honourable Member dislikes films altogether. He dislikes cinema houses, he dislikes kissing, he dislikes Government, he dislikes me.... (Laughter.)

Mr. Lalchand Navalrai : He is opposed to kissing in public, and not in bed.

The Honourable Sir Henry Craik : He dislikes nearly everything. When the Honourable Member was speaking, to me he seemed to have the outlook of a gouty, pessimistic old gentleman of 85, and I suggest that he should try to model his outlook on life slightly more closely on the lines of the bright young gentleman sitting straight in front of him. (Laughter.)

Mr. President (The Honourable Sir Abdur Rahim) : Before the amendment is put, the Chair would mention to the House that the Mover of the amendment wants to add the name of Babu Baijnath Bajoria to the personnel of the Select Committee. The question is :

“ That the name of Babu Baijnath Bajoria be added to the Select Committee.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill be referred to a Select Committee, consisting of Dr. G. V. Deshmukh, Seth Govind Das, Mr. Samuel Aaron, Mr. Amarendra Nath Chattopadhyaya, Mr. Muhammad Nauman, Mr. H. A. Sathar H. Essak Sait, Sir Ghulam Hussain Hidayatallah, Sir Abdul Halim Ghuznavi, Mr. J. Ramsay Scott, Mr. Pradyumna Prasad Singh, the Honourable the Home Member, Rao Bahadur M. C. Rajah, Mr. A. S. Hands, Babu Baijnath Bajoria, and the Mover, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be six.”

The motion was adopted.

THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL.

Sir Girja Shankar Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I beg to move :

“ That the Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose, as passed by the Council of State, be taken into consideration.”

This is a very simple measure, Sir, and I hope that it will prove to be non-controversial. Towards the end of April, 1934, the Court of the Aligarh Muslim University decided to recommend to the Governor General in Council through the Board of Visitors that the Aligarh Muslim University Act should be amended so as to abolish the post of Pro-Vice-Chancellor. They made that recommendation in pursuance of a recommendation of a retrenchment committee which had been appointed earlier suggesting that the post of Pro-Vice-Chancellor be abolished as a measure of economy. The Board of Visitors, Sir, forwarded the recommendation of the Court to the Governor General in Council but with a modification that, instead of abolishing the post, the power shall be left to the Court either to keep the appointment or to abolish the appointment. Their point of view, and that is also the point of view of the Government of India, is that in the case of a growing institution like the Aligarh Muslim University it is impossible to anticipate when circumstances may arise when the appointment of a Pro-Vice-Chancellor may be necessary. After all there is the sister university of Benares. The Act which constituted that University made the appointment of Pro-Vice-Chancellor there obligatory and from all that I have heard from the Vice-Chancellor and from others the business of the University has been so pressing and the functions of the Vice-Chancellor especially in an ambassadorial capacity have been so varied that they have persistently felt the need of keeping the post of Pro-Vice-Chancellor filled. What we felt was that rather than adopt the restrictive recommendation of the Court, because it would be a restrictive recommendation if the Court were deprived of the liberty to fill the post of Pro-Vice-Chancellor later on if necessary, we should so amend the Act as to leave the Court free to appoint a Pro-Vice-Chancellor when circumstances required it and to abolish that when circumstances recommended that particular course. That is the amendment which was made by the Bill as passed by the Council of State and that is the amendment, Sir, to which we now seek the support of this House. Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose, as passed by the Council of State, be taken into consideration.”

There is an amendment of which notice has been given.

Maulana Shaukat Ali (Cities of the United Provinces : Muhammadan Urban) : I beg to propose an amendment to the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : That is to the second clause.

Maulana Shaukat Ali : My amendment would read thus....

Mr. President (The Honourable Sir Abdur Rahim) : Clause 2 is not yet before the House.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) . We have received no notice.

Mr. President (The Honourable Sir Abdur Rahim) : The amendment of which notice has been given by Maulana Shaukat Ali is only relating to clause 2. That is not before the House. This is the motion for consideration.

Mr. Muhammad Yamin Khan . We have received no copy of the amendment.

Mr. President (The Honourable Sir Abdur Rahim) : That will be dealt with when the time comes.

The question is :

“ That the Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose, as passed by the Council of State, be taken into consideration ”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) . The question is : “ That clause 2 stand part of the Bill.”

Notice of an amendment has been given by Maulana Shaukat Ali.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : I rise to a point of order. Is this amendment in order according to Order 46, sub-section (1) ? Notice has not been given within the prescribed time, and, therefore, it cannot be moved.

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable Member want to move his amendment ?

Maulana Shaukat Ali : Yes, my amendment would read thus :

“ In clause 2 of the Bill, for the proposed section 41, the following be substituted : ‘ The office of the Pro-Vice-Chancellor shall be abolished ’.”

This was the recommendation made by the Court of the University.

Sir Muhammad Yakub : May I raise the point of order at this stage ? My submission is that under Order 46, sub-section (1) notice ought to have been given two days earlier, and, as that rule has not been complied with, the amendment cannot be taken up at this moment.

Mr. President (The Honourable Sir Abdur Rahim) : When was the notice given ?

Maulana Shaukat Ali . I admit that I gave notice of this motion only a few hours ago. I am very sorry for this mistake, because I am a new Member and I have been busy arranging about my accommodation and other things. If you allow my amendment, it will be more acceptable to the Muslim community. You, Sir, can use your power in my favour, Government can use their power to help me. But if that power cannot be used, then I accept the position.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair would rule this amendment out of order. Objection has been taken that notice was not given in time, and no justification has been made out for not giving the notice in time.

The question is .

“ That clause 2 stand part of the Bill.”

Maulana Shaukat Ali : Then I want to oppose this Bill. I have my reasons for opposing it. If my amendment could have been accepted, I

am sure that it would have been in the best interests, not only of the Government, but also of the Muslim community and of Aligarh.

Sir Girja Shankar Bajpai : I should like to suggest to my Honourable friend that his opposition would be more appropriate at the stage when I move that the Bill be passed, and not at this stage.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair would like to hear what the Honourable Member has got to say

Maulana Shaukat Ali : Sir, I see it is very easy to try to thwart an honest motion. I want to put up a straightforward and honest fight. If every obstacle,—legal or otherwise, that is put in front of me, all I can say today is that I will be able to meet it when I make a careful study of the rules and regulations of this House. Today, however, on this matter, I must ask the indulgence of the House to give me a patient hearing. I am an Aligarh boy. (Laughter.) (*A Voice* : “Boy?”) Yes, I am an Aligarh boy, and am proud of it. I am very much younger at heart than the youngest man in this House. I know Aligarh well; I have worked for it; and even my worst enemy cannot say that many more people love Aligarh better than myself or better than my late brother did to the collection of funds for the Muslim University. I devoted myself, and I gave up Government service and took part in making its constitution. We took our full share and we took the greatest interest always in every aspect of life of the Aligarh University. Now, I want to tell you, Sir, and through you, the House, that the reason on account of which feelings were strained between the Government and the Muslim people, so much so that men like me and others became rebels and outlaws, was on account of Government's constant interference in the internal affairs of Aligarh dearly loved by all. It has always been our plea that we Muslims were entirely responsible for the working of the constitution. The great founder from the very beginning laid stress on the point that nobody should be a Trustee except a Muslim. On account of our feelings of resentment against the Government interference, we became rebels and outlaws. We, Muslims, know how to look after our own interests and resent others interfering in matters concerning ourselves. We have got enough capable men in our University Court, and we are perfectly alive to the best interests of the University,....

Mr. President (The Honourable Sir Abdur Rahim) : The Chair has heard the Honourable Member's preliminary remarks, and it thinks the Honourable Member must now address himself to the clause.

Maulana Shaukat Ali : I want to show why the University Court unanimously recommended to the Government,....

Sir Muhammad Yakub : Not unanimously, by a majority of two or three.

Maulana Shaukat Ali : I am talking of April, 1934

Sir Muhammad Yakub : Then also.

Maulana Shaukat Ali : The Vice-Chancellor, Sir Ross Maswood, realising the position, proposed and the Court accepted it, that the post of the Pro-Vice-Chancellor should be abolished. And the Pro-Vice-Chancellor himself, who was an English gentleman and for whom we have the greatest respect, said with emphasis that this post was not really needed; that it has caused and will cause friction and differences and intrigues. When you have got a whole-time Vice-Chancellor,—there was

no need for the post of the Pro-Vice-Chancellor carrying nearly Rs 4,000 a month. Everybody connected with the University work accepted it. The Academic Council, consisting of responsible members of the staff, unanimously accepted it, and the gentleman concerned himself, Mr. Ransbotnam, in the interests of truth, efficiency and smooth-working, said that the post was not needed and should be abolished. Then came a communication after April, 1934, to the Government of India, giving the considered decision of all these people who were intimately connected with the University. No answer was given nor any notice taken of this recommendation. There were reminders sent also but to no effect and I would very much like the Honourable Member in charge to lay on the table of the House all the correspondence that passed after the University had asked for the amendment of the Muslim University Bill, so that the House may be able to judge and form an opinion whether the recommendation of the unanimous Court was right or wrong or whether the Government Department concerned had treated them with due respect. Sir, all I want is that there should be no corruption, there should be no jobbery in our University organization. I know there had been corruption, there had been jobbery which we wanted to stop.

Here I have got a report in my hand which very few gentlemen in this House have seen. There was a Vice-Chancellor, of the type of Sahabzada Aftab Ahmed Khan,—a man who had devoted all his life to the cause of Aligarh, and then there was a Pro-Vice-Chancellor, the quarrels started between the Pro-Vice-Chancellor and the Vice-Chancellor, which ruined the work of our University. There was indiscipline, and every rule and reputation of the University was broken to further party politics, so much so that there were complaints and scandalous quarrels all round and it was openly said that money was wasted and salaries increased, in favour of partisans, while others got into trouble because they could not belong to a certain party and because the Pro-Vice-Chancellor thought that he should control and have power and they fought and the University suffered. Sahabzada Aftab Ahmad Khan, the Vice-Chancellor, is dead, but Dr. Ziauddin Ahmad, the then Pro-Vice-Chancellor, is here and he will bear me out that there was constant friction and open quarrels. Thus scandalous condition got so bad that the Government officials complained. After consultation between Rector Lord Irwin and Her Highness the Begum of Bhopal, the Chancellor, an impartial commission was appointed. There were no Congress people on it nor Muslim Nationalists were on it. The Commission had as President Sir Ibrahim Rahimtoola. He was formerly an Executive Councillor of the Bombay Government. Later on he became the President of the Legislative Council of Bombay, and still later he occupied the Chair that you, Sir, now occupy, and on that Commission were Sir Philip Hartog, the educational expert, and also Sir George Anderson, now Educational Commissioner with the Government of India—men responsible.

Mr. President (The Honourable Sir Abdur Rahim) : How is that relevant to this clause ?

Maulana Shaukat Ali : Because I want to tell you that the Commissioners had to look in the quarrels between the Pro-Vice-Chancellor and the Vice-Chancellor. Sir, there is a Persian proverb :

*“ Deh Darwesh der galimey ba khuspand,
Do Padshah der aqlimey na gunjand.”*

[Maulana Shaukat Ali.]

That is "ten Faqirs can sleep under one blanket but two Sultans cannot be accommodated in a big Empire." Sir, I want to warn my Honourable friend of the danger and that we want to close the door for corruption. Any partisan can come forward with canvassed votes to have someone of his party as Pro-Vice-Chancellor to pull down the Vice-Chancellor. I hope, Dr. Ziauddin will have no objection to it because he will have no rival to interfere with his work; he alone would be responsible for the good work or the bad work, that had been done. There would be no constant friction and I want to shut the door to all intrigue,—and this impartial and powerful commission's report supports me in everything I have said. I do not want to read it all out, there is no time for it, but I do say that the Bill should be dropped now, and later on, say in the next Delhi Session it may be taken up, after consulting the Muslim public. This is my position. The recommendation of the Commission was that Dr. Ziauddin Ahmad should be made to retire and give up his Aligarh connection. He left Aligarh and after seven years he is brought back again by means of a miserable intrigue started in Delhi. I want to tell the Government in clear terms, as far as Aligarh is concerned, it is very clear to me. This Muslim University is very important, and is our future hope, I do not want that the Government of India should interfere and be connected with any underhand intrigue to rob it of its independent character.

Mr. Muhammad Yamin Khan : Sir, it is a matter of good fortune that I am present in this House today when this Bill comes here after my having seen this Bill through in the Council of State (Hear, hear.) Sir, I am one of the few members of the Court of the Muslim University who are the Members of this House also. I am not going to traverse all the ground which has been covered by my friend, Maulana Shaukat Ali. I do not want to say what were the causes which made him a rebel or an outlaw or how he came over to the other side, as he himself has expressed his feelings. The question for me is what is the opinion of the Court of the Muslim University and how far has Government acted according to the wishes of that Court.

The Court considered this matter in April, 1934, when Sir Syed Ross Masood was the Vice-Chancellor and at that time there were certain persuasions made by him and there was something in the minds of the members of the Court which led them hurriedly to accept the recommendation that the post of the Pro-Vice-Chancellor be abolished. But when this proposition came again before the Court on November 25th, 1934, the members of the Court, who were not present in the meeting of April, 1934, and who now became aware of the previous decision, challenged that decision and they came in full strength in November, 1934, to reconsider that decision. At that time the decision of sticking to the former resolution of the Court was decided by 42 votes against 38. This was a very close division and, as the Honourable Members of this House are aware, this agitated the whole Muslim public in India. Members of the Court came from all parts of India, such as Hyderabad, Madras, Peshawar, Assam and other far distant places in the country simply to give expression to their views. The members voted in favour of the old decision simply because

some of them did not like to go back on their former decision. I was present throughout and I know that the opinion was closely divided. The chief thing that prevailed in the mind of the people who had voted on the side of 42 was this that as they had taken a decision only a few months back, they did not like to change it. There was other side also and members who were absent in the first meeting thought that they must hold that that decision was wrong and they must revise it. Besides, on the side of 38 votes there were people who had been subscribing greatly towards the funds of the Muslim University. Therefore, although they were in the minority by four votes only, their views certainly carried great weight. This opinion was forwarded to the Government of India and I think the Government of India could not find a better solution than to say that they left the matter entirely to the Court. Sir, up to this time it has been obligatory under the Act to have a Pro-Vice-Chancellor. That post must be filled and must continue. When the decision came up, however, by a slight majority, it was the duty of the Government of India to leave it aside and to give an option to the future Courts not to be bound by a slight majority but to revise it whenever they thought fit. Therefore the Government of India gave this power to the Court of the Muslim University by providing that in future the Court may fill up the post of the Pro-Vice-Chancellor or not as it thought fit. I think this is the best solution which the Government of India could come to and it was unanimously accepted by the Council of State. I hope that under the circumstances this House will not go beyond this because if the views of Maulana Shaukat Ali are accepted, they would be having the views of one party only which voted once in the strength of 42. But if the House accepts the proposal as contained in the Bill, then it will be giving an option to the members of the Court to have the Pro-Vice-Chancellor or not to have the Pro-Vice-Chancellor as they deem fit in the future. If we get a Vice-Chancellor who can run this show properly, we will certainly not require a Pro-Vice-Chancellor. But if we find ourselves in some difficulty in future when we have to keep a Vice-Chancellor who cannot perform the duties of the Pro-Vice-Chancellor as detailed in the Muslim University Act, then certainly the Court must have an option to appoint a Pro-Vice-Chancellor also and that is the only thing on which we, the members of the Court, would like to have the vote of this House. We will ask the House to vote simply giving an option to the future Courts of the Muslim University and not be led by the washing of the dirty linen which the Maulana has done in this House.

Maulana Shaukat Ali : I object to the use of that expression. Where can I get redress for this party intrigue ? I say abolish the post of the Pro-Vice-Chancellor.

Mr. Muhammad Yamin Khan : I know, Sir, that my friend, Maulana Shaukat Ali, has got a very excitable temper and I never meant any offence to him. What I meant to say was that the House should not be led by anything of a controversial nature but be guided only by the desire of the Muslim community as a whole.

Sir Girja Shankar Bajpai : Sir, my Honourable friend, the Maulana, spoke with great feeling, and I have no doubt those feelings have been deeply stirred, but I shall be forgiven if I do not go into much of what he said for the very simple reason that I submit and I submit that without

[Sir Girja Shankar Bajpai.]

any idea of giving him offence that much of what he said really is not relevant to the consideration of this clause at all. He said a great deal about the Rahimatulla Committee. The only point with which I am concerned here and with which the House is concerned today is whether the Rahimatulla Committee had anything to say on the subject of the abolition of the post of the Pro-Vice-Chancellor. The Rahimatulla Committee is silent on that point. Then, Sir, my Honourable friend went on to say that there was a great deal of effort made by the Government to interfere with the affairs of the University and he challenged me to produce the correspondence that passed between us and the University or rather the Vice-Chancellor on the subject of this particular amendment, because he suspected that, if that correspondence were produced, signs of this interference would be forthcoming. Now, Sir, as a matter of convention, we do not ordinarily place correspondence that passes between us and other autonomous bodies on the table of the House, but I am quite prepared to show my Honourable friend, the Maulana, the correspondence that has passed.....

Maulana Shaukat Ali : May I interrupt the Honourable Member and say whether he is prepared to give me permission to expose the intrigue.....

Sir Girja Shankar Bajpai : I do not give way. I am merely concerned with the point which he made and I say that I am prepared to show to the Maulana himself the correspondence that passed between us and the University on the subject of this amendment and he will, I am sure, be satisfied, being a fair-minded man, that there was absolutely no question of interference or intrigue in regard to that matter.

Now, Sir, my Honourable friend might say that the amendment which we are undertaking now will give the Government directly or indirectly authority to interfere with the Court. May I draw your attention to subsection (1) of section 20 of the Aligarh Muslim University Act? Subsection (1) of section 20 says :

“ The Pro-Vice-Chancellor shall be appointed by the Court.”

We are leaving to the Court the option to appoint the Pro-Vice-Chancellor if they wish to. We are equally leaving it to the Court not to appoint a Pro-Vice-Chancellor if they do not want to. I would further point out that, unlike the appointment of the Vice-Chancellor, the approval of the Governor General in Council is not necessary to the appointment of a Pro-Vice-Chancellor, so that this matter is entirely within the jurisdiction of the Court, and has neither directly nor indirectly anything to do with the jurisdiction of the Governor General in Council over the University. That, Sir, disposes of the point which he made in regard to interference by the Governor General in Council. Then he did make a great point of the decision taken by the Court in April, 1934, and he sought to minimise the decisions of the Court taken in November, 1934. May I draw your attention to the fact that what the Court was considering in April, 1934, was not so much the merits of option versus obligation to appoint a Pro-Vice-Chancellor. What it was influenced by was the recommendation of the Retrenchment Committee to abolish the post of Pro-

Vice-Chancellor as a measure of economy. The amendment that we are proposing does not in any way fetter the discretionary power of the Court to abolish the post of Pro-Vice-Chancellor whenever they wish to. There is one further point with regard to the meeting of the Court in November, 1934. That meeting was not considering the question whether the power shall be optional or not. The resolution upon which the Court divided was this. I have got the terms of the resolution before me :

“ I beg to propose that the post of Pro-Vice-Chancellor should not be abolished and steps should be taken to appoint a Pro-Vice-Chancellor as soon as possible ”

That, Sir, was what the Court divided upon and not the question whether the Governor General in Council would be acting rightly in leaving discretion to the Court instead of statutorily abolishing the post of Pro-Vice-Chancellor.

Maulana Shaukat Ali : Who proposed this resolution ?

Sir Girja Shankar Bajpai : It was proposed by Khwaja Nizamuddin.

Maulana Shaukat Ali : There you are. That makes all the difference.

Sir Girja Shankar Bajpai : That was the decision taken by the Court. I think, Sir, that is all I have got to say in answer to the large number of charges made of an attempt on the part of the Government to interfere with the discretion of the Court. I submit that this particular amendment instead of restricting the power of the Court actually enlarges the power of the Court and is in the best interests of the University.

Mr President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 2 stand part of the Bill.”

The motion was adopted

Clause 2 was added to the Bill.

Mr President (The Honourable Sir Abdur Rahim) : The question is :

“ That clause 1 stand part of the Bill.”

The motion was adopted.

Clause 1 was added to the Bill

Mr President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Title and the Preamble stand part of the Bill ”

The motion was adopted.

The Title and the Preamble were added to the Bill.

Sir Girja Shankar Bajpai : Sir, I beg to move :

“ That the Bill, as passed by the Council of State, be passed ”

Mr President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill, as passed by the Council of State, be passed ”

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Mr. President, I have also the honour of being an old boy

[Sir Muhammad Yakub.]

of Aligarh. I have also been a member of the Board of Trustees of the M. A. O. College, Aligarh, since 1913. I am also one of the foundation members of the Aligarh Muslim University. I was also a member of the Committee which drafted the constitution of the Muslim University. I am also one of those lovers of my dear *alma mater* who ran away from Moradabad to Aligarh in 1920 when a horde of rebels went to Aligarh to destroy our mother University and wanted also to set fire to the buildings that were in existence. Therefore, I can claim as much love for my *alma mater* as anybody else in this House. Sir, I am very sorry, extremely sorry indeed, that a little heat has been introduced in this purely non-controversial Bill. It is not right to say that a particular gentleman alone has the right to speak in the name of Muslims

Maulana Shaukat Ali : As if a Knight has the right to speak in the name of the Mussalmans even when he does not know the subject and even when he has done no service for the community

Sir Muhammad Yakub : I do not wish to wash dirty linen in the public.

Maulana Shaukat Ali : They ought to be washed in the public if they are dirty and deserved to be cleaned.

Sir Muhammad Yakub : I am afraid that Mr. Shaukat Ali has provoked me and probably I will have to say something now before the House about this affair.

Maulana Shaukat Ali : Do so with pleasure.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should not enter into personalities.

Sir Muhammad Yakub : Very well, Sir, I will act according to the Persian proverb :

“ *Jawab Jahelân Bashad Khamoshee.* ”

“ Silence is the proper answer to a rustic. ”

I will not produce any more heat, but I will briefly show whether the amendment that is intended to be introduced in the Bill is for the benefit of the institution or not. As has been pointed out, the idea of abolishing the post of Pro-Vice-Chancellor was mooted on account of financial stringency. We borrowed the services of a Pro-Vice-Chancellor from the Government and we were paying him about Rs. 3,500 a month, on account of pension rights and all those things. Then, Sir, we had a Registrar whose services also were borrowed from another University and we were paying him about Rs. 1,200 or Rs. 1,400 a month. Then we had to pay about Rs. 2,000 a month as honorarium to our Vice-Chancellor. This was a burden of about Rs. 7,000 a month on the exchequers of our University. I also happen to be a Member of the Finance Committee of the Muslim University and we found that some retrenchment was extremely necessary in order to make the budget balance. We had deficit budgets for over two years and therefore a Retrenchment Committee was appointed. No doubt that Retrenchment Committee recommended that, as a measure of retrenchment, the post of Pro-Vice-Chancellor should be abolished. Now, Sir, what I want to lay stress upon is the fact that the abolition of the

post of Pro-Vice-Chancellor was recommended as a measure of retrenchment and not because the post was not needed. Sir, we know that the case of denominational Universities is quite different from that of Government Universities. The Vice-Chancellor of a Government University has nothing to do with the public outside. He can work as the Principal of the Colleges. While the Vice-Chancellor of a denominational University stands on quite a different footing. On one side, he has to deal with the public outside, send deputations, collect money, raise subscriptions and do a lot of things. On the other hand he has to manage a very big educational institution. Now, Sir, in India there are only two denominational Universities.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. It being four of the Clock, the motion for adjournment will be taken up now.

MOTION FOR ADJOURNMENT.

DESPATCH OF TROOPS FROM BRITISH INDIA TO ADDIS ABBABA (ABYSSINIA).

Pandit Nilakantha Das (Orissa Division : Non-Muhammadan) :

4 P.M.

Sir, I move that the House do now adjourn. My motion is in connection with the sending out of troops from British India to Abyssinia. This morning, fortunately, my friend and colleague, Mr. Satyamurti, asked some short notice questions on the subject, and, by now, we know that the Indian Government, in their anxiety, it appears, to protect the Indian nationals in Abyssinia, asked the British Government to do their duty by sending some troops to Abyssinia. And, as troops were better available in India and it was to protect the Indian nationals, Indian troops were sent, His Majesty's Government agreeing to pay for them. There can be no objection so far as it goes. It is our duty to protect Indian nationals, and, as it is also the duty of the Empire, they will pay for it. But the object of my motion today is quite different. My objection is based on our experience that our troops have in the past been frequently sent out to foreign lands. Very often they were, first of all, sent out from this land under some pretext or other, either to protect our own financial interests, or to guard our fiscal policy or sell our opium, and things like that. Now, undoubtedly, it appears that a war is imminent, it is on the horizon. If Abyssinia can be made somehow to come to her knees, there may not be war. That is the only chance. The high-sounding League of Nations, we know what it is. . .

Mr. J G Acheson (Foreign Secretary) . Sir, on a point of order, the Honourable Member appears to me to be referring to a matter affecting the relations of His Majesty's Government with foreign powers.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair would warn Honourable Members that in this discussion no matter should be brought in which is likely to affect the foreign relations of the Government.

Pandit Nilakantha Das : I should like to clear this position that our troops should in no way be utilised for purposes other than protecting the interests of Indian nationals.

Maulana Shaukat Ali (Cities of the United Provinces : Muhammadan Urban) : And not for Abyssinia ?

Pandit Nilakantha Das : No. And when Abyssinia is going to be the theatre of war most probably very soon, contingencies may arise when our troops may be compelled to join this side or that. In that case, what I press today is that, before any such steps are taken, this House should be consulted, and all the cards should be put on the table. We shall be the judge.. .

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official) : If the House is not sitting, what then ?

Pandit Nilakantha Das : There will be a special and emergent meeting, for it is not such an affair where things should be done behind our back. In fact, my Resolution was that Indian opinion was not consulted and I press that Indian opinion should be consulted, for it is quite likely that Imperial interests may demand that our troops should be utilised in some way, and as it is quite evident, we may require it in some other ways. In spite of all our European dresses and dinners and other paraphernalia, all the words and phrases of the European constitution sticking all around us like peacocks' feathers, we are what we are. We are among the black and brown races, and we have heard what Mussolini said the other day.....

Mr. J. G. Acheson : Sir, I again rise to a point of order.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member ought to refrain from making any comments on foreign powers.

Pandit Nilakantha Das : I am not intruding upon the foreign relations of the Government of India or His Majesty's Government. What I mean to say is this. Our sympathies naturally go towards Abyssinia, and it may be that when Italy is to be fought by people who are in charge of our troops. ...

The Honourable Sir Nripendra Sircar (Leader of the House) : Sir, I rise on a point of order. This matter was very elaborately discussed as to what is permissible, when a similar question was raised about sending troops to China, and I would draw your attention to the ruling which was given then. You will find it on pages 11 and 12 of the Collection of Rulings. Mr. S. Srinivasa Iyengar sought to move the adjournment of the House in order to discuss the question whether the Government of India were entitled to, or should send Indian troops to, China without consulting the Indian Legislature, whereupon objection was taken by Government that the motion could not be discussed without referring to questions of foreign policy, and, therefore, was out of order. The President's ruling was this.

“ The Honourable the Home Member does not question that the motion now before the House raises a definite matter or a matter of urgent public importance. I take it, therefore, that the subject matter of the motion is a definite matter of urgent public importance. The main ground on which he objects to this motion is that it relates to a matter affecting the relations of the British Government with the Chinese Government. This Assembly is certainly not entitled to criticise or discuss the foreign policy of the British Government or of the Government of India, and any motion which directly or indirectly raises any discussion of that foreign policy would certainly be out of order. But the Honourable Member in charge of this motion has clearly indicated that his intention is to restrict this motion to a narrow issue, namely, that the Government of India should not have agreed to send Indian troops to China for military operations without reference to this Assembly.”

And, now, I come to the important portion :

“ There is, therefore, no danger of the Assembly discussing or criticising the foreign policy of any Government. I fully appreciate the point of view of the Home Member that any discussion on the subject-matter of this motion at this stage would lead to disastrous consequences. But, as I have already pointed out to this Assembly, it is not a question for the Chair to consider. The Chair is bound by the rules and regulations, and if the motion does not raise any question of foreign policy of the British Government or of the Government of India and merely calls in question the action of the Government of India in agreeing to send Indian troops without any reference to this Legislature, I do not see how I can disallow it ”

That is the ruling that has been given before, and however much one may be sympathetic to Abyssinia, the making of such a declaration on the floor of this House is not permissible on a motion for adjournment.

Mr. President (The Honourable Sir Abdur Rahim) : Cannot the Honourable Member give his reasons why troops should not be sent out of India ?

The Honourable Sir Nripendra Sircar : He might as well say that the British Government should fight for Abyssinia and we can then discuss the whole foreign policy. It is for the President to draw a line, and, I submit, my friend is dangerously near the line, if he has not already overstepped it.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot be too careful not to trench upon any question which may affect the foreign relations, because the situation is extremely delicate as Honourable Members know, and nothing should be said in this House that would complicate matters still further.

Mr. S Satyamurti (Madras City : Non-Muhammadan Urban) : We want to avoid wars.

Pandit Nilakantha Das : I have been all along quite careful. I simply put some problematic propositions that some contingency might arise where . . .

Mr. President (The Honourable Sir Abdur Rahim) : The Chair wants to understand what is really the object of this motion : is it to censure the Government of India for sending troops from British India to Addis Abbaba ?

Pandit Nilakantha Das : Yes, my motion is that they have sent troops without consulting any public opinion in India, and I also make this point . . .

Mr. President (The Honourable Sir Abdur Rahim) : Then the Honourable Member can confine his motion to the right of this House to be consulted. If he does that, he can perhaps avoid all questions relating to foreign policy.

Pandit Nilakantha Das : I am simply explaining as to why consultation of the opinion of this House is necessary ; for it may be even now that our troops may be utilised in foreign theatres of war without our knowing it for purposes which are not conducive to Indian interests. That is my whole point : and I have made this point clear, I believe ; and I should like to hear what the Government have to say as to the attitude of Government in this matter and the purpose for which these troops have been sent out, and I should like to make it clear that we would like to be

[Pandit Nilakantha Das.]

assured that, without consulting this House, they should not be used for purposes of war Sir. I move

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the House do now adjourn.”

Mr. G. R. F. Tottenham (Army Secretary) : Sir, I should like to read to the House the actual terms of the notice of this adjournment motion, which was given by the Honourable Member opposite—“ to discuss a definite matter of urgent public importance, namely, the despatch of troops from British India to Abyssinia thereby putting a burden on Indian revenues.....

Pandit Nilakantha Das : That is not my motion : that has not been moved This is the other motion.

Mr. G. R. F. Tottenham : That is the copy I received.....

Pandit Nilakantha Das : Mine is “ The despatch of troops from British India to Addis Abbaba ”.

Mr. G. R. F. Tottenham : I apologise. After what the Foreign Secretary said this morning, I think I can explain the whole position of Government in a very few sentences. It is perfectly true that over a year ago, speaking in this House on the Indian Navy Bill, I said that, with the approval of the Secretary of State for India, I was authorised to announce that “ it is the intention of the Government to consult the Indian Legislature, so far as may be possible, whenever any question arises of lending the Indian Navy to the Admiralty for operations other than in the defence of India ”. That undertaking applies by implication equally to the Indian Army as well as the Indian Navy : that is to say, we are under an obligation when any question arises of sending troops overseas for purposes other than the defence of India, to consult the Legislature beforehand whenever it is possible to do so. On this occasion we have not deviated in any way from that undertaking The facts are simply as follows. There are in Abyssinia about 1,600 British subjects, of whom about 1,000 are Indians. There is already in Addis Abbaba a small legation guard of Indian soldiers, about 10 of them, who are well-known and popular in Addis Abbaba. We had been asked through the press and by receiving notice of a number of questions from Honourable Members opposite what steps Government were taking to protect Indian interests in Abyssinia We were advised that if we were going to take any steps to protect Indian interests in Abyssinia we must do it at once That was in the month of August. In the month of August the Legislative Assembly was not sitting It was therefore impossible for us to consult the Legislature. We finally decided to send a small body of one hundred men to reinforce the legation guard at Addis Abbaba and His Majesty's Government are paying the cost of that reinforcement. I do not think it can be maintained that the despatch of a force of 100 men means that we in India are maintaining an army in excess of Indian requirements, and that is usually the argument that is brought against us when we send troops overseas. The number is extremely small, and if I were to venture to embark upon that topic, I do not think 100 men could make any difference in any possible larger war that may supervene Those are the plain

facts. I admit it is perfectly open to this House to censure the Government on those facts, but I do honestly and most respectfully put it to them that by censuring Government for taking this action they would merely be calling ridicule upon their own heads.

Maulana Shaukat Ali : Sir, I have no quarrel with the Honourable Member who has just made the speech on behalf of the Government except on one matter—that the number of troops he has sent is much too few. Whatever relations we may have with foreign Governments, I say this that, if any Indian, even one single Indian's life is in danger at the hands of any power, friendly or unfriendly, it is the duty of the whole of the Indian army to go out and save that man. I do not want to make a speech : I only want to make an announcement that if the people of Abyssinia, who are under-dogs, are being treated disgracefully and are to be trampled down, then it is the duty of India to send out, not one hundred soldiers, but ten divisions, if necessary, and if the Government ask for money, I hope I will be one who will persuade all my friends and the whole of India to sanction all the money and men needed to serve this noble country. Leaving that aside for the moment, I was just going to say that if Captain Sher Muhammad Khan was the Field Marshal willing to lead us, then, I, though a broken down athlete limping along, hardly able to stand and walk, I will be very glad to offer to be a soldier and work in that army that goes to defend the weak and the oppressed and fight unjust people out to rob others of liberty, hearth and house.

Sardar Mangal Singh (East Punjab : Sikh) : Sir, I support my Honourable friend, Maulana Shaukat Ali, that if and when the occasion arises to help Indian nationals in Abyssinia or to defend poor Abyssinia against European capitalism, the Indian Army should be allowed to go there and help those people. But this adjournment motion raises another important point from the point of view of the Indian Army. It is acknowledged that the Indian army is kept, trained and maintained here for Imperial purposes, and, from that point of view, we can, I think, rightly and legitimately claim a proper share of expenses from the British Government. It is true that the expeditionary force will be financed by the British Government. (*An Honourable Member :* "it is not an expeditionary force") My point is that even in maintaining the Indian army, the British Government should pay something to the Indian Government ...

Mr G. R. F. Tottenham : But the British Government already pay one and half million pounds.

Sardar Mangal Singh : That is not at all sufficient ; it is too little. I maintain, Sir, that the British Government should pay at least one-half of the expenditure incurred on the maintenance and the training of the European army in India. ...

Mr President (The Honourable Sir Abdur Rahim) : That has nothing to do with this motion. The Honourable Member must confine himself to the motion before the House

Sardar Mangal Singh . Sir, this motion has raised a point relating to the employment of Indian army outside the frontiers of India.....

Mr. President (The Honourable Sir Abdur Rahim) : Without consulting ?

Sardar Mangal Singh : From that point of view, Sir, I maintain that the British Government should pay at least 50 per cent. of the charges of the European army in India.

As regards the rights of this House, I am very glad that the Honourable the Army Secretary has agreed to a certain extent that, whenever possible, the Government of India would consult the wishes of this House, when the occasion arises, to send Indian troops outside India. Personally, Sir, I do not feel inclined to censure the Government of India on this account, because they have sent only 100 men to Abyssinia to protect the Indian nationals there. I hope that my Honourable friend, the Mover, will withdraw the motion after the discussion is over. (Applause.)

Mr. Sami Vencatachelam Chetty (Madras : Indian Commerce) : Sir, the view that every adjournment motion is a censure motion is a bygone view. That is not the only reason why adjournment motions are tabled. More often adjournment motions are tabled in order to bring to the notice of the Government the urgency, the importance and the necessity of the subject-matter of the motion. I believe it is in that view that my friend, Pandit Nilakantha Das, has tabled this motion. So far as the actual action of the Government in despatching so small a number of troops as 100 to Abyssinia is concerned, I do not think there is much difference of opinion. I would rather like to put it this way, that it is a matter on which we should feel satisfied that the Government took early steps in this matter ; but, as the Honourable the Army Secretary just mentioned, it would have been probably possible for the Government to consult the Legislature in this matter also if it had been in Session. Of course, it is easy enough to say that, in the month of August, the Assembly was not sitting, and that the Government were compelled, owing to urgency, to send this small contingent to Abyssinia. But does he mean, therefore, to say, Sir, that a similar situation is not still on the tapis of the Government, that there are not yet certain matters in which the Assembly could be consulted in regard to the Italo-Abyssinian trouble ? It may probably be said by the time when we meet next that the Assembly was not again in Session, and, therefore, there was no opportunity to consult the Legislature. So what the Government have promised in spirit in regard to matters concerning the Legislature will not be given effect to, though they may even now be in possession of information in regard to which they can even now consult the Legislature. But it is very difficult for persons sitting on this side of the House to say whether Government have got any such questions under consideration. But what I would like to say is that the promise that has been made by the Government today that they would consult the Legislature in respect of the despatch of troops to other countries should be scrupulously carried out in actual practice. The reason as to why we are anxious that the Legislature should be consulted in regard to this matter is, even according to Government, that India is put upon a status somewhat equal to that of the dominions, that every other dominion Government consults its own Legislature or its own Parliament in regard to despatch of troops for action outside their own dominions. We expect, though it will not be incumbent under this Constitution or under the coming Constitution for the Government to consult the Legislature, some voluntary response in regard to this matter and they would consult the Legislature, so that they may carry the people with them in acts such as these involving the peace of this

country as well. It is from that view, Sir, that I think my friend, Pandit Nilakantha Das, has tabled this motion, and I rather think that carrying this motion will not mean that it is a censure on the Government, but it will only mean the urgency and necessity of consulting the Legislature in matters like these.

Mr. Lalchand Navalrai (Smd : Non-Muhammadan Rural) Sir, I would just like to ask a question from the Honourable the Army Secretary. He said that, as the Assembly was not in sitting in the month of August, the Legislature could not be consulted before the troops were sent to Abyssinia. May I know from him whether he will agree to the appointment of a Standing Committee to be associated with the Army Department just as other Departments have, so that, in cases of such urgency, that Standing Committee could be summoned and consulted? Because, whenever things are done without consulting this House, shelter is always taken under the plea that the Legislature was not in Session, and so they could not consult the House. I would like to know from the Honourable Member whether he would like to appoint a Standing Committee to advise his Department and to consult on such matters as these when the Legislature is not in Session.

Mr G. R. F. Tottenham : Sir, I obviously cannot answer on behalf of the Government a question such as that put to me on the spur of the moment, but it seems to me that there is a good deal in it. We will certainly take the matter into consideration and see whether anything can be done in that direction. (Applause from all sides of the House.)

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : (The Honourable Member who was not in his own seat rose to address the House.)

Mr President (The Honourable Sir Abdur Rahim) : If the Honourable Member wishes to address the House, he must address it from his own place.

Pandit Krishna Kant Malaviya : I am sorry, Sir. (The Honourable Member then took his own seat.)

Sardar Sant Singh (West Punjab . Sikh) May I point out, Sir, that we on this side are labouring under a very great disadvantage in that we are not able to follow the proceedings of the House properly as we cannot hear what is said on that side? That is why we from this side have often to go to a place from where we could hear speeches properly.

Pandit Krishna Kant Malaviya : Sir, I entirely agree with the proposition laid down by my friend, Pandit Nilakantha Das, that the House should be consulted before Indian troops are sent for action overseas. At the same time, I am not prepared to censure the Government for having done a right thing at the proper time. I think, during the last ten years, if Government have ever acted rightly, they have done so on this occasion. I go further and say this. I feel, Sir, like my friend, Maulana Shaukat Ali, that the Government of India should have forced the hands of His Majesty's Government also to enter the war, instead of wavering, and help the Abyssinian Government. It is said, Sir, that we are the original members of the League of Nations, which I have always called "League of Robbers", and, as such, I think we have a right to say that we should go to war to protect a weak nation, to prevent a war

[Pandit Krishna Kant Malaviya.]

of aggression ; otherwise it is no use our being members of the League of Nations

Mr J. G. Acheson : I rise to a point of order. I would point out that the Honourable Member is going beyond the scope of the motion and discussing international policy.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is speaking of the League of Nations and not about foreign policy.

Pandit Krishna Kant Malaviya : I think, Sir, as members of the League of Nations, which is constituted to prevent wars of aggression, we, as representatives of the people of India, have a right to have our say. We do feel that His Majesty's Government is not doing what it should do. We feel that it is only interested in the water of the Blue Nile.....

Mr. J. G. Acheson : On a point of order, Sir. I apologise for giving trouble to the Chair, but it is my duty to point out that the Honourable Member is dealing with international affairs.

Some Honourable Members : Why not ?

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. The Honourable Member cannot criticise the foreign policy of the British Government or of the Government of India.

Pandit Krishna Kant Malaviya : I bow to your ruling, Sir. I was trying to obey your orders, but let me say this much that I was not criticising the foreign policy of His Majesty's Government. What I wanted to urge was that if Indian troops have to be sent there, they should be sent to protect the interests of Abyssinia, and not merely the flow of the Blue Nile. We are not interested in making a motor road from Lake Tsana to Sudan. That is what we want to say. As I said, Sir, we are not interested in the flow of Lake Tsana, we want to protect the tap, the reservoir, the territory of Abyssinia. If we had any voice in the affairs of our own country, if our opinion was asked as to what was the right thing to do, we would say that our opinion is, as representatives of this country, and a member of the League of Nations, that we want to go to help Abyssinia and we want to go to war with Italy in order to show her that she has no right to invade Abyssinia. I think I am expressing the opinion of my Honourable friends present here. I request you, and through you, the Honourable Members on the Government Benches, to communicate to His Majesty's Government that the opinion of the Legislature of this country is that we want that His Majesty's Government and the Indian Government combined should go to help Abyssinia in her distress. We are entitled to make this request. We, as representatives of this country, are fully entitled to request Honourable Members sitting on the Treasury Benches here to communicate to His Majesty's Government

Mr. J. G. Acheson : Sir, once again I must rise on a point of order to point out that the observations of the Honourable Member

Mr. President (The Honourable Sir Abdur Rahim) : The Chair thinks the Honourable Member is not in order. He must not pursue that line of argument.

Pandit Krishna Kant Malaviya : But the line of argument is ..

.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is aware that the wording of the Rules and Standing Orders is so wide and sweeping on that point that there is really no room for discussing any aspect of the foreign policy.

Pandit Krishna Kant Malaviya : In our own country, we are not entitled to express our opinions ; in our own country, we are not to say when our troops are sent out, whether they should be sent out or not, and for what purposes they should be used.

An Honourable Member : We are a subject race.

Pandit Krishna Kant Malaviya : I know that, I know that we are a subject race, and that is why I want that Abyssinia should not be subjugated. All the same, I would request Honourable Members to express the opinion of this House that we do want that His Majesty's Government should go in for war

Some Honourable Members : Order, order.

Pandit Nilakantha Das : I have achieved my object. I have got an assurance from the Government, and I do not want to press my motion.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to withdraw the motion ”

The motion was adopted.

The motion was, by leave of the Assembly, withdrawn

THE ALIGARH MUSLIM UNIVERSITY (AMENDMENT) BILL—
continued.

Mr. President (The Honourable Sir Abdur Rahim) : Discussion on the Aligarh Muslim University Bill will now be resumed

Sir Girja Shankar Bajpai : I do not think that it is necessary for me to say anything more. ..

Maulana Shaukat Ali : Is the debate going to be closed now ?

Mr. President (The Honourable Sir Abdur Rahim) : Of course.

Maulana Shaukat Ali : I wanted to speak

Mr. President (The Honourable Sir Abdur Rahim) : The Chair gave a chance to Honourable Members, if they wanted to say anything, to rise in their seats, and nobody did so. Sir Girja Shankar Bajpai

Sir Girja Shankar Bajpai : I have nothing to add to what I said when the second clause was being discussed. Most of what my Honourable friend, Sir Muhammad Yakub, was saying was really, if I may presume to say so, an elaboration of what I had said already in defence of the attitude of Government, and I have nothing more to say. I hope the House will pass the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill further to amend the Aligarh Muslim University Act, 1920, for a certain purpose, as passed by the Council of State, be passed.”

The motion was adopted.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL.

AMENDMENT OF SECTION 51.

The Honourable Sir Henry Craik (Home Member) : Sir, I move :

“ That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (Amendment of Section 51), be referred to a Select Committee, consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Mr. M. Asaf Ali, Mr. M. Ananthasayanam Ayyangar, Mr. Muhammad Azhar Ali, Mr. M. Ghiasuddin, Mr. Lalchand Navalrai, Mr. T. Chapman-Mortimer, Captain Rao Bahadur Chaudhri Lal Chand, Mr. A. G. Clow, Mr. J. M. Chatarji, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

This is the Bill which seeks to abolish imprisonment for debt except for the dishonest or recalcitrant debtor, that is, for the debtor who is able to pay but refuses to pay, or for the debtor who has dishonestly concealed or removed part of his assets. The House will remember that towards the end of last Session I moved that this Bill should be circulated for the purpose of eliciting public opinion. There was some criticism and I was pressed that the Bill should be proceeded with at once, and in deference to that criticism I promised that I would arrange, if possible, that circulation should be completed so that the Bill could be taken up at the beginning of the present Session. That circulation has been completed and the opinions received are in the hands of Honourable Members. I do not propose to analyse the opinions in any detail but I think I am justified in saying that they make it clear that there is a very considerable body of opinion in favour of the principle of the Bill. At the same time, the opinions received do disclose a certain amount of opposition to the principle of the Bill and a certain amount of criticism of its details. However, they are there and I think that the opinions received undoubtedly require the careful consideration of the Select Committee. That is all I have got to say. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved.

“ That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (Amendment of Section 51), be referred to a Select Committee, consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Mr. M. Asaf Ali, Mr. M. Ananthasayanam Ayyangar, Mr. Muhammad Azhar Ali, Mr. M. Ghiasuddin, Mr. Lalchand Navalrai, Mr. T. Chapman-Mortimer, Captain Rao Bahadur Chaudhri Lal Chand, Mr. A. G. Clow, Mr. J. M. Chatarji, and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Mr. President, this Bill, so far as I am able to find out, seeks to protect debtors from being imprisoned and seeks particularly to protect Government servants.

The Honourable Sir Henry Craik : The Honourable Member is mistaken. It covers all debtors.

Mr. Sri Prakasa : It says " Government servants in receipt of "...

The Honourable Sir Henry Craik : The Honourable Member is mixing up two Bills. That provision is in a different Bill

[At this stage, Mr President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr Deputy President (Mr. Akhil Chandra Datta)]

Mr. Sri Prakasa : It seeks to protect persons in receipt of salaries.
(Voices : " No, no ")

The Honourable Sir Henry Craik : May I explain to the Honourable Member ? It is rather puzzling There are two Bills. One deals with the attachment of salaries. This Bill does not deal with that subject at all. This Bill merely abolishes imprisonment for debt except in certain circumstances

Mr. Sri Prakasa : The Statement of Objects and Reasons says

" This Bill is the outcome of the recommendations of the Royal Commission on Labour in India to the effect that in the case of industrial workers in receipt of wages less than Rs 100 a month "...

and so on.

The Honourable Sir Henry Craik : Nothing about Government servants....

Mr. Sri Prakasa : Cannot Government employ industrial workers ?

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) . Which particular clause are you referring to ?

Mr. Sri Prakasa : I am referring to the whole Bill

The Honourable Sir Muhammad Zafrullah Khan : It is confined to industrial workers.

Mr. Sri Prakasa : Cannot there be industries run by Government ? Of course, there are ; and will not those employed in that industry be protected ?

The Honourable Sir Henry Craik : If the Honourable Member will only read the whole of the Statement of Objects and Reasons, at the end he will see that it refers to all judgment debtors No distinction is made between Government servants and any one else It merely abolishes the system of imprisonment for debt for every kind of debtor

Mr. Sri Prakasa : I will confess that I was not expecting that the Bill would come up today for discussion and, therefore, I have not read its provisions carefully The unfortunate withdrawal of a very important motion for adjournment has resulted in this confusion. I think that has also resulted in the House being deprived of a delightful speech from Maulana Shaikat Ali. In any case as the Bill is not likely to last beyond this day, I should like to say only one thing and that is that personally I am against imprisonment for anything. (Laughter) If it were a consolidated Bill for the abolition of all imprisonment, I should be very glad Most of us on this side of the House have had experience of what prisons are and we can say that they serve no useful purpose. If that is so in the case of imprisonment for what are regarded as criminal offences it stands to reason that this is also true in the case of civil offences. What I am most anxious about

[Mr. Sri Prakasa.]

is just this. We must not forget that to be able to borrow money at an emergency is a very important factor of domestic economy. Many occasions can arise where we find ourselves suddenly in need of money and we have not the necessary amount in our coffers. We have to go to some one who lends that money. What I am afraid of is this, that people, if they are deprived of the means of recovering their money, may not lend money to persons in emergencies. That is a serious point. It is all very nice to say that people who have no money should not spend it or people who have no money should be in no need of it ; but there are occasions of illness ; of litigation that may be forced upon us ; of marriages which are rather important social functions in Indian life ; when money is necessary. Persons in receipt of wages less than Rs. 100 a month are not likely to be able to save much against a wet day. Therefore they need the money-lender or banker or by whatever name you may call the person who gives them money ; and he gives them that money in the hope that he will be able to realise it. If you want to make this Bill effective, I think you will have to add a clause—I do not know whether that clause is here, I am going to study it tonight—making it a penal offence for any banker or money-lender to refuse to lend money (Laughter) to persons who are in need of it, because I assure you that, however much you may dislike the money-lender—you apparently do not dislike those who are in charge of Reserve Banks and Imperial Banks—he forms an important part of village economy ; and he comes to the rescue of many unfortunate men who are in straits. Therefore you must not have a law which will make it impossible for persons in need of money in emergencies to be able to borrow the money at all. The money-lender will say to the man in need : “ I cannot give you money because I am not sure of getting it back, you are not penally bound to repay it, I am not going to give you money ”. Therefore I say, if you are honest, if you are earnest, have that additional clause, namely, that all persons who carry on the trade of money-lending and of banking shall be obliged under threat of imprisonment themselves to lend out money to any person who needs the money. I think this Bill was introduced in the last Session of the Assembly. It was at that time circulated for opinion and a mass of opinion has been obtained upon it. I cannot pretend to have read all the volumes that have been sent out by the Department to me, but I have glanced through many opinions and I find that opinion is sharply divided. In any case I stand by the opinion I originally formed, namely, that you should either allow money-lenders and bankers some effective means of getting their money back or you must force them to lend out money. I can see no other way. It is possible that Government may have their own banks from which wage-earners may be able to get money. I have known of the operations of Co-operative Societies in my own province. No law applies to them and they can take hold of their debtors' goods without much ado. All the trouble falls on the non-official who carries on this trade or any other trade. I do not like this one-sided procedure, and I personally cannot support this Bill unless you make adequate provision for persons who are in need of money and who cannot find it in any other way. I have no objection to Government making that provision. When Government wants to collect its own dues, which it

calls fines, or revenue demands, it does not care to see whether the man whose goods it is attaching is in receipt of an income of less or more than one hundred rupees per month.

The Honourable Sir Muhammad Zafrullah Khan : What has "one hundred rupees" got to do with this Bill ?

Mr. Sri Prakasa : In supporting the motion to send this Bill to a Select Committee, I suggest that it should find some way out of the difficulty that I have mentioned. You will create, to my mind, a great deal of confusion if you pass laws which are unpractical. It is no use having counsels of perfection and talking very big in this House when the effect of the law you enact will react badly on the man and the woman in the cottage and the factory.

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot : Non-Muhammadian Rural) : Sir, while accepting the principle of this Bill, I would like to offer one or two suggestions. The issue of a notice before arrest for civil debts is not quite new. It is provided that notice may be given to show cause why he should not be arrested. But what this Bill seeks to do is to substitute the word "shall" for the word "may", that is, to make it compulsory that notice shall be issued to every debtor to show cause why he should not be arrested for the debt ; and if the civil authority is satisfied that the judgment-debtor is likely to abscond, or that he has alienated a certain property, then he can be arrested and put into jail. What I would suggest is that one clause more may be added,—that is,—"provided the money was not borrowed either for speculative purposes or for immoral purposes". My reason is that this may encourage people who have no money to borrow money and employ it for speculative purposes, and, when the money is lost, it is the creditor's money that is lost, and, when he gains, then it is for himself ; and this he does without any loss to himself, because he cannot be put into jail, he is a pauper and has no money, he neither absconds nor alienates. I would, therefore, like that a clause should be added that, even when he borrows money, it should not be utilised for purely speculative or immoral purposes, for he can easily prove that he neither means to abscond or to alienate property, and, in those circumstances, when he consciously borrows money and employs it for speculative purposes, the risk is to the creditor and not to himself. I would therefore suggest that this provision of protecting men from arrest should be given only to *bonâ fide* debtors—people who borrow money and invest it in proper and legitimate purposes, and not for purposes which are either immoral or speculative. This is a provision which, I think, will be useful to the Select Committee in considering this proposal, for, Sir, it is dangerous to allow people to borrow for speculative purposes and still not to allow them to suffer for the sins that they commit.

Mr. B. Das : The money-lenders, when they lend, know the sins of these borrowers and their sins equally.

Mr. T. S. Avinashilingam Chettiar : Sir, the consequences of such a Bill may be that creditors, when they find that they may be asked to lend to people who may engage in lucrative business, but who have no stake in

[Mr. T. S. Avinashilingam Chettiar.]

the matter, may stop such credit altogether, which is available to the ordinary merchants and traders today. I, therefore, would like that, along with (a) and (b) in clause 2 of this Bill, another clause should be added, thus :

“ unless it is proved that it is borrowed either for speculative or for immoral purposes ”, etc., etc.,

and that is the only suggestion I would like to offer to the Select Committee in this matter.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 4th September, 1935.

LEGISLATIVE ASSEMBLY.

Wednesday, 4th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock,
Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

ABSENCE OF LADIES WAITING ROOMS ON STATIONS ON THE BURDWAN-HOWRAH SECTION OF THE EAST INDIAN RAILWAY.

84. *Mr. Amarendra Nath Chattopadhyaya : (a) Are Government aware that there are no arrangements for ladies waiting rooms at the stations on the Burdwan-Howrah section of the East Indian Railway ?

(b) Do Government propose to remove this want by putting wooden screens in the waiting halls for the present ?

Mr. P. R. Rau : (a) Yes

(b) The East Indian Railway are considering a programme for the provision of ladies waiting rooms at certain stations during the next three years

RECRUITMENT OF DEPRESSED CLASSES IN THE CENTRAL SERVICES.

85. *Rao Bahadur M. C. Rajah : With reference to the A. P. I. news published in the *Madras Mail*, dated the 13th May, 1935, will Government be pleased to state :

(a) the progress of recruitment of depressed classes in the various central services ; and

(b) the number of depressed class candidates recruited for the different departments of the Government of India services since July, 1934 ?

The Honourable Sir Henry Craik : (a) Information for years before 1934 is not available, as the annual statements showing the communal composition of the various services have not hitherto contained a column to show the number of members of the depressed classes. For 1934 and following years the figures will be given in the statements prescribed in connection with the Instructions Supplementary to the Resolution of the 4th July, 1934. A copy of these Instructions has been placed in the Library of the House

(b) I presume the Honourable Member has in mind the recruitment to the Ministerial Staff of the Government of India Secretariat and

Attached Offices. So far as the First and Second Divisions are concerned, none of the candidates on the current list of approved candidates has claimed to belong to the depressed classes.

As regards the Third Division the list of approved candidates, now current, showed one candidate belonging to a depressed class, and he has been nominated to a permanent vacancy.

DELHI CIVIL STATION NOTIFIED AREA COMMITTEE.

86. ***Mr. M. Asaf Ali** : (a) Will Government be pleased to state :

(i) if it is not a fact that under section 241 (3) of the Punjab Municipal Act II of 1933, no area with more than 10,000 inhabitants can be declared a Notified Area Committee ; and

(ii) if the Delhi Civil Station Notified Area has more than 15,000 inhabitants ?

(b) Are Government prepared to take steps to remove this anomaly ?

Sir Girja Shankar Bajpai : (a) (i). Yes.

(ii) The population of the Civil Station Notified Area according to the last census (1931) was 16,349.

(b) Government are not aware of any legal anomaly.

Mr. M. Asaf Ali : Considering the fact that a notified area can only be constituted on the basis of 10,000 population, is it not an anomaly that this notified area should continue to exist in spite of the fact that the population has gone up to 16,000 ?

Sir Girja Shankar Bajpai : The legal position is that an area cannot be constituted into a notified area if its population exceeds 10,000, but it is optional for the local authority or Government concerned to cancel the notification if the population exceeds 10,000. It is not obligatory on the Local Administration.

Mr. M. Asaf Ali : Will Government cancel this notification now ?

Sir Girja Shankar Bajpai : That is a matter really for the Chief Commissioner of Delhi to consider in the first instance.

Mr. M. Asaf Ali : Are Government aware that there are no elected members on this Notified Area Committee ?

Sir Girja Shankar Bajpai : That is perfectly true. According to the provisions of the law, members have to be only appointed.

MOVE OF THE OFFICES OF THE ARMY HEADQUARTERS TO DELHI DURING WINTER.

87. ***Mr. M. Asaf Ali** : (a) Is it a fact that the offices of the Army Headquarters are, under the present system of move of offices to Delhi for the winter months, classified into migratory and non-migratory categories and that establishments of certain offices, or parts thereof, are made to stay at Simla and undergo the rigours of winter from year to year ?

(b) Is it a fact that all the grades of the migratory establishments draw a monthly allowance, called Delhi Camp Allowance, on a scale of

about 30 per cent. of pay, whereas no winter allowance is granted to certain grades of non-migratory establishments retained in Simla ?

(c) Is it a fact that the basis of grant of allowances is that they are intended to cover additional expenditure of a specified nature and should not be a source of profit to the recipient ?

(d) Is it a fact that the same rates of Delhi Camp Allowance are at present drawn by single and married persons of the Army Headquarters establishments, whereas in the case of Simla house rent allowance admissible to the Civil Secretariat establishments and Local Allowance admissible to the establishments of the Military Accountant General, there are different scales for single and married persons ?

(e) Is it a fact that there is at present no differentiation in the scales of Delhi Camp Allowance between the establishments of Army Headquarters who are allotted Government quarters in Simla on a rental of ten per cent. of pay for the summer season and the establishments who hire private residential accommodation on payment of year's rent in Simla ?

(f) Is it a fact that before the winter season of 1929-30 Delhi Conveyance Allowance was drawn by Superintendents of Army Headquarters on the scale of Rs. 100 per mensem and that it was reduced to Rs. 50 per mensem from that winter season, on the ground that it was found excessive ?

(g) Is it a fact that the scale of Delhi Camp Allowance admissible to the establishments of attached offices of the Government of India is lower than that sanctioned for establishments of Army Headquarters and that the maximum scale for the former is about Rs. 60 against Rs. 100 per mensem for the latter ?

(h) Is it a fact that Government proposed to grant with effect from the winter season 1934-35 adequate winter allowance to all the grades of the establishments by readjustment of Delhi-Simla allowances on an equitable basis ?

(i) Is it a fact that the proposed revised scales of Delhi-Simla allowances were worked out by an expert retrenchment officer in the Army Department on definite data ?

(j) Is it a fact that representations were made before the issue of Government orders by migratory establishments, urging prescriptive claim to the existing rates of Delhi Camp Allowance and that Government have not given effect to the proposed revised scales of Delhi-Simla allowances from the winter of 1934-35 ?

(k) If the answers to the preceding parts be in the affirmative, will Government please lay on the table of this House the file dealing with the subject, and expedite the issue of revised scales of Delhi-Simla allowances for Army Headquarters establishments on an equitable basis ?

(l) Do Government also propose to consider the question of making some sort of provision in the system of move of Army Headquarters offices to Delhi for the winter months to afford a chance to the non-migratory establishments, of moving down to Delhi by turn ?

Mr. G. R. F. Tottenham : The information furnished by the Honourable Member in the first seven parts of this question is substantially

correct and I do not, therefore, propose to reply to them in detail. I will refer the Honourable Member, if he so desires further information, to previous questions and answers on the same subject.

As regards the next four parts, the Honourable Member or his informant, appears to have had access to certain confidential files in the Army Department but to have given a very inaccurate account of the discussions contained therein.

The answer to part (1) is in the negative.

Mr. M. Asaf Ali : May I know, Sir, if the non-migratory European officers find it rather economical to stay here in Simla during the winter and that is why the clerical staff has to be kept in Simla ?

Mr. G. R. F. Tottenham : No, Sir. I do not think that is the case. I do not think they find it very economical to stay in Simla during the winter.

Mr. M. Asaf Ali : Are there educational facilities provided for the children of the Indian non-migratory staff in Simla who have to stay here in winter ?

Mr. G. R. F. Tottenham : Does the Honourable Member mean any special educational facilities ?

Mr. M. Asaf Ali : I mean any ordinary educational facilities.

Mr. G. R. F. Tottenham : I should like to have notice of that question. I do not know how far the schools in Simla remain open during the cold weather.

Mr. M. Asaf Ali : I may inform the Honourable Member that there are no schools available during winter here. Would that be a hardship for these people or not ?

Mr. G. R. F. Tottenham : If there are no schools, certainly that would be a hardship.

Mr. M. Asaf Ali : Do Government propose to provide any educational facilities or compensate these people in some other way ?

Mr. G. R. F. Tottenham : The whole question is under consideration at present, of the numbers who remain in Simla and the numbers who go down to Delhi. I do not think we can take any special steps to provide educational facilities for those who remain in Simla.

Mr. M. Asaf Ali : Is it not possible to shift all these people to Delhi permanently ?

Mr. G. R. F. Tottenham : We have made calculations about that, and I believe it would cost a very large sum of money to bring down to Delhi the whole of the establishments of Army Headquarters who now remain in Simla.

Mr. M. Asaf Ali : It will cost the Government just the same if all of them remain in Delhi.

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

BRITISH TROOPS IN INDIA.

88. ***Mr. M. Asaf Ali :** (a) Will Government be pleased to state if it is a fact that :

- (i) the British troops in India are, under the Cardwell system, part and parcel of corresponding units in the United Kingdom ;
- (ii) one-third of the British Army is permanently kept in India at India's expense ; and
- (iii) the total strength of the standing Army in the United Kingdom is 158 thousand in the United Kingdom and 58 thousand in India, besides Reservists and Territorials ?

(b) What is the limit of the Army prescribed for (i) United Kingdom, and (ii) India, under (1) the Peace Treaty and (2) Article 8 of the Convention of the League of Nations, and will Government please lay on the table the communications periodically sent under Article 8 of the Convention ?

(c) What is the present ratio between Indian and non Indian officers and other ranks in :

- (1) Royal Artillery (different branches separately, especially Field Artillery and Light Artillery) ;
- (2) Royal Air Force ;
- (3) Engineers Corps ;
- (4) Tanks Corps ;
- (5) Signals Corps ;
- (6) Adjutant General's Branch ;
- (7) Quartermaster General's Branch ;
- (8) Master General, Ordnance Branch ;
- (9) General Staff Branch ;
- (10) Railway Reserve Regiment ; and
- (11) The Post and Telegraph Nucleus ?

(d) Will Government be pleased to lay on the table a complete list of the Indian troops now serving outside India ?

(e) Will Government state what is the total annual cost of the British troops to India, particularly taking into consideration the cost of :

- (i) the ecclesiastical establishment maintained for the troops ;
- (ii) the strategic railways, especially those maintained for conveying British troops from ports direct to the frontiers ;
- (iii) strategic telegraphs and telephones ; and
- (iv) capitation charges, oversea allowances, pensions, contributions towards the payment to the Reservists ?

Mr. G. R. F. Tottenham : (a) (i) It would be more correct to say that British troops in India are linked to corresponding units, arms, etc., of the British Army in the United Kingdom in order to simplify the process of recruiting and drafting, rather than that they are part and parcel of other units.

(ii) and (iii). The actual strength of the standing Army of Great Britain, exclusive of Reservists and Territorials, is 209,754. This number is distributed as follows :

United Kingdom	..	..	..	117,591
India	..	..	..	57,554
Colonies	..	..	..	34,609
				<hr/> 209,754

From this it will be seen that approximately 27 per cent. of the British regular army is in India.

(b) No limit to the strength of the army, either for the United Kingdom or for India, is prescribed either by the Treaty of Versailles or by the Covenant of the League of Nations. In this connection I would refer the Honourable Member to the reply I gave to his unstarred question No. 48 on the 22nd February, 1935. The information conveyed by both His Majesty's Government and the Government of India to the League of Nations as regards the strength and armaments of their forces under Article 8 of the Covenant is contained in the Armaments Year Book published by the League, a copy of which is available in the Library of the House.

(c) and (d). I lay two statements on the table.

(e) The Defence Service Estimates are not framed in such a way as to make it possible to separate accurately the figure of cost of British troops, but it has been estimated that it amounts to about Rs. 13 crores. I would add that, whatever may be the correct view regarding the charging of the loss on the so-called strategic railways, etc., to those Estimates, this item of expenditure has nothing to do with the presence of British troops in India.

STATEMENT No. I.

Ratio between Indian and non-Indian officers and other ranks.

				Indian.	Non-Indian.
(1) Field Artillery (R. A.)	..	..	..	1	3.5
Field Artillery (Indian)	..	..	..	24	1
Mountain Artillery (including Light Batteries)	..			9	1
Horse Artillery	..	..	..	1	3
Heavy Artillery	..	..	..	1	1
(2) Royal Air Force	..	..	..	1	19.5
(3) Engineer Corps	..	..	..	31	1
(4) Tank Corps	..	..	..	0	1
(5) Signal Corps	..	..	..	1.7	1
(6) Adjutant General's Branch	..	..	..	1	40
(7) Quartermaster General's Branch	..	..	..	1	40
(8) Master General of the Ordnance Branch	..	..	..	0	38
(9) General Staff Branch	..	..	..	1	70
(10) Railway Reserve Regiment	..	..	..	Not yet in existence.	
(11) The Post and Telegraphs Nucleus	..	..	..	There is no such nucleus.	

STATEMENT No. II.

List of Indian units serving outside India.

1st Battalion, 8th Punjab Regiment . . .	Hong Kong.
2nd Battalion, 20th Burma Rifles . . .	Malay States
The Hong Kong Mule Corps . . .	Hong Kong.

Mr. M Asaf Ali : What about (c) (1) to (c) (11) ? The Honourable Member has omitted to answer that.

Mr. G. R. F. Tottenham : I have said that a statement is laid on the table.

Mr. M. Asaf Ali : May I know what the ratio is ? I cannot put any supplementary questions unless I know what the answer is.

Mr. G. R. F. Tottenham : I will read out the statement

Ratio between Indian and non-Indian officers and other ranks.

	<i>Indian</i>	<i>Non-Indian.</i>
(1) Field Artillery (R. A.)	1	3.5
Field Artillery (Indian)	24	1
Mountain Artillery (including Light Batteries)	9	1
Horse Artillery	1	3
Heavy Artillery	1	1

Mr. President (The Honourable Sir Abdur Rahim) : Surely it is not necessary to recite all these numerous figures now. They cannot be of much value to the House, unless sufficient time is allowed for considering the implications of these figures

Some Honourable Members : They are of great use to the House.

Mr President (The Honourable Sir Abdur Rahim) : A statement like this ought to be laid on the table of the House

Mr. M. Asaf Ali : May I know the figures relating to parts (6), (7), (8) and (9) of part (c) of my question ? That is to say, about the four Branches of the Army Headquarters ?

Mr. G. R. F. Tottenham The figures refer to the ratio between Indian and non-Indian officers and other ranks.

Mr M. Asaf Ali : I want the figures about officers particularly. The Honourable Member need not worry about the ranks.

Mr. G. R. F. Tottenham : I am afraid I have not got separate figures I have got figures for both

	<i>Indian.</i>	<i>Non-Indian.</i>
(6) Adjutant General's Branch	1	40
(7) Quartermaster General's Branch	1	40
(8) Master General of the Ordnance Branch	0	38
(9) General Staff Branch	1	70

But I must explain that there are a large number of Indian civilian clerks on the establishments of these Branches. The figures I have given just now refer merely to Indian officers and other ranks.

Mr. M. Asaf Ali : Is it a fact that, in the Master General of Ordnance Branch, until recently, an Indian used to perform the duties of the Personal Assistant to the Master General ?

Mr. G. R. F. Tottenham : I do not think that question arises out of this. In any case, I should want notice of any question asking for details about particular officers employed in particular branches.

Mr. S. Satyamurti : With reference to the answer to part (a) (ii), may I know whether the 57,554 British soldiers are at the disposal of the British War Office or whether they are, while serving here and while they are being paid by us, at the disposal of the Government of India ?

Mr. G. R. F. Tottenham : They are at the disposal of the Government of India.

Prof. N. G. Ranga : But the Government of India are at the disposal of the British War Office.

Mr. M. Asaf Ali : May I know if it is a fact that there are three sections of the army "Covering Troops", "Field Army" and "Internal Security Troops" ? What is the ratio among these ?

Mr. G. R. F. Tottenham : That information is, I think, already contained in a pamphlet which we supplied to Honourable Members of this House. I cannot repeat the ratio from memory, but I would be glad to supply the Honourable Member with a copy of the pamphlet from which he will be able to get the information required.

MECHANISATION OF BRITISH AND INDIAN ARMY.

89. ***Mr. M. Asaf Ali :** (a) Will Government please state the relative extent of the mechanisation of British and Indian Army, especially in respect of the artillery ?

(b) Is it not a fact that the equipment of the Indian section of the Artillery is half of the equipment of the British Artillery ?

(c) Does India pay for the equipment and mechanisation of the British troops ?

Mr. G. R. F. Tottenham : (a) (i) *Cavalry*.—Two British cavalry regiments, one in the United Kingdom and one in Egypt, have been converted into armoured car regiments. No mechanisation of cavalry regiments has taken place or is contemplated in India.

(ii) *Royal Artillery*.—Of 18 Field Brigades, Royal Artillery, in England, four are mechanised. Of the ten Field Brigades, Royal Artillery, in India, two are mechanised. The Field Brigade, Indian Regiment of Artillery, is not mechanised.

Two Horse Artillery Batteries, one in the United Kingdom and one in Egypt, have been mechanised. Trials are being carried out in India to find a suitable type of vehicle for the mechanisation of Horse Artillery batteries in this country.

All Medium Artillery both in the United Kingdom and in India are mechanised.

(iii) *Infantry*.—Experiments are being carried out in England with mechanised first line transport for Infantry Battalions. No such mechanisation is contemplated in India.

(iv) *Royal Tank Corps*.—All units are mechanised.

(v) *Engineers*.—In the United Kingdom the tendency is to mechanise the Divisional Engineers entirely. In India the corresponding units are only mechanised to such limited extent, as is suited to local conditions.

(vi) *Signals*.—In both countries the mechanisation of signal units has followed generally the degree of mechanisation in the formations which they serve

(b) Presumably the Honourable Member refers to the Field Brigade of Indian Artillery. This Brigade, which is organised into four batteries of four guns each, has armaments and vehicles on exactly the same scale as a Royal Artillery Field Brigade of four batteries on the Indian establishment.

(c) India pays for the equipment and vehicles of the units on its establishment.

DISPOSAL OF THE DISCARDED ARTICLES OF THE ARMY.

90. ***Mr M. Asaf Ali** : What is usually done to dispose of discarded and out of date articles of equipment and particularly (a) weapons, (b) surgical instruments and other equipments of Army hospitals, and discarded accoutrements, etc. ?

Mr G. R. F. Tottenham : They are ordinarily disposed of by sale to the best advantage of the State either under local arrangements or through the Director of Contracts, after any components which may be of use to Government have been removed. Weapons and other lethal stores are rendered useless before sale and are usually sold as scrap.

Prof N. G. Ranga : Where are the stores sold ? In India or abroad ?

Mr. G. R. F. Tottenham : In India.

Pandit Lakshmi Kanta Maitra : When did the last sale take place

Mr. G. R. F. Tottenham : They are held every year from month to month.

APPLICATION OF THE PUNJAB SAHUKARA ACT TO THE DELHI PROVINCE.

91. ***Mr. M. Asaf Ali** : (a) Has Government's attention been drawn to the resolutions passed by the Delhi Province Rural Conference, held on the 27th February, 1935 in village Bawana under the presidentship of Sardar Vallabh Bhai Patel ?

(b) What steps do Government propose to take in regard to the grievances and demands contained in these resolutions ?

(c) Are Government prepared to apply the Sahukara Act, Punjab (1934) to the Delhi Province to afford the rural population the relief asked for by the said Conference ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) A statement explaining the position is laid on the table.

(c) The question is under consideration.

STATEMENT.

No. 1 (a) of Resolutions.—The abiana levied on wells is not a tax, but is an element in the apportionment (bachh) of land revenue assessed by the Settlement Officer. The villagers themselves have a large say in this apportionment.

No. 1 (b) of Resolutions.—All grievances in this regard receive the careful attention of the Deputy Commissioner in conjunction with the canal authorities, who endeavour to provide an equitable distribution.

No. 1 (c) of Resolutions.—Remission or suspension of land revenues, in accordance with damage to crops, is always granted after each harvest. A sum as large as Rs. 1,41,604, i.e., about 75 per cent. of the total demand, was remitted on account of damage done to crops by heavy rains and floods in kharif, 1933.

No. 2 of Resolutions.—The improvement of communications in the Delhi rural area will be pushed forward as and when funds permit. In the current financial year, it is intended to spend Rs. 10,000 on repairs to Kachha roads.

No. 4 of Resolutions.—Attention is invited to the relevant portion of the Honourable the Finance Member's speech in this House on the 14th February, 1935, in connection with Dr. Ziauddin Ahmad's resolution on the revision of the taxation policy of the Government of India.

No. 5 of Resolutions.—There used to be a post office at Bawana, but it was closed down on account of insufficient work. The possibility of reopening the office is being examined. As regards the improvement of sanitation and the establishment of more hospitals, etc., in the Delhi rural area, it is the intention of the local Administration to take suitable action as funds permit.

SALE OF ELECTRICITY BY THE NEW DELHI MUNICIPAL COMMITTEE TO THE
DELHI ELECTRIC SUPPLY COMPANY.

92 ***Mr M Asaf Ali** : (a) Are Government aware that the New Delhi Municipal Committee has offered to sell electric current to the Delhi Electric Supply Company at the rate of 4 anna per unit ?

(b) What is the rate which Government pay to the Supply Company and New Delhi Municipal Committee for electricity purchased for Government offices situated in Delhi and New Delhi ?

(c) By whom was the plant in New Delhi installed, and is there any reason why the tax-payer should be forced to pay such high rates when the Committee sell current at 4 anna per unit to a foreign concern ?

(d) Are Government aware that the Delhi Electric Supply Company purchase current at low rates and supply it to Government offices and public in Old Delhi at rates which yield them an average profit of nearly 900 per cent. ?

(e) Will Government state whether they are prepared to take step to create a Joint Electric Supply Board with (1) Old Delhi Municipal Committee, (2) Joint Water Board, (3) New Delhi Municipal Committee, and (4) Notified Area Committees as its constituents, to purchase electric current from New Delhi Municipal Committee and distribute it to the various constituents at reasonable rates ? If not, why not ?

(f) Is it not a fact that the Indian Electricity Act does not permit monopoly of electric supply ?

Sir Girja Shankar Baipai : (a) If the Honourable Member refers to negotiations for additional supply which Government understand are in progress the answer is in the affirmative.

(b) A statement is laid on the table.

(c) The plant was installed by the Government of India and transferred to the New Delhi Municipal Committee in March, 1932, for due financial consideration. Government are looking into the point raised in the latter part of the Honourable Member's question.

(d) Government are not aware of the exact rates of profit made by the Company but the disparity between the rates at which they buy current from the New Delhi Municipal Committee and those at which they sell it to the consumer is being investigated.

(e) Government are advised that such an arrangement will involve very considerable additional capital expenditure.

(f) No. The Act merely says that the grant of a licence to one person shall not prevent the grant of another to another person for the same area.

STATEMENT.

The New Delhi Municipal Committee supplies electricity to Government offices and private consumers alike at four annas per unit, less 10 per cent. discount if paid within a certain time, for light and fans, and at two annas per unit for power. For Government offices in Old Delhi, Government pay to the Electric Supply Company on a sliding scale of 4 to 6 annas per unit according to consumption; up to 250 units 6 annas, 250 to 500 units 5 annas, 500 and over 4 annas.

RECRUITMENT FROM WITHIN DIVISIONAL CIRCLES ON STATE RAILWAYS.

93 *Mr Lalchand Navalrai : (a) Will Government be pleased to state if they are aware of the policy of the Government of India (Posts and Telegraphs Department) which provides for the recruitment of candidates for service ordinarily from within the revenue division ?

(b) If so, will Government be pleased to state whether they adopt the same policy of recruitment from within the respective divisional circles on State Railways ? If not, why not ?

(c) Are Government aware that there arises dissatisfaction, specially amongst the lower class of Railway servants, when they are not placed within the revenue circle of the Railways within which they reside ?

(d) Do Government propose to adopt such a policy on the Railways, so as to facilitate the incumbents to be placed in their respective revenue divisions as has been done by the Posts and Telegraphs Department ? If not, why not ?

Mr. P. R. Rau : (a) Yes.

(b) and (d). The Railway Department see no necessity to restrict recruitment in the manner proposed.

(c) No.

Mr. Lalchand Navalrai : Of course the Railway Department may not think it necessary, but may I know if there are any difficulties in the way of adopting the suggestion made by me ?

Mr. P. R. Rau : Government see no advantage in accepting the suggestion

Mr Lalchand Navalrai : Are there any difficulties in doing so. I ask ?

Mr. P. R. Rau : I am replying that there are no advantages in doing it.

Mr. Lalchand Navalrai : The Posts and Telegraphs Department is an all-India service department, similarly the Railways are all-India. When the Posts and Telegraphs Department have made that distinction in the matter of recruitment, what are the difficulties in the way of railways doing it ?

Mr. P. R. Rau : Unless there are any advantages in the proposal, I do not see any reason why the Government should ask the railways to adopt the proposal.

Mr. Lalchand Navalrai : Will the Honourable Member please make enquiries from the Divisional Superintendents and find out if it is necessary to adopt my suggestion ?

Mr. P. R. Rau : I do not see any necessity for doing so.

PURCHASE OF CERTAIN ARTICLES BY THE DIRECTOR OF CONTRACTS THROUGH THE INDIAN STORES DEPARTMENT.

94. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a fact that the Director of Contracts for military purchases articles, such as textile and machinery, through the Indian Stores Department ?

(b) If so, why does he not purchase oils, paints, soaps and hardware items through the Indian Stores Department ?

(c) What is the good of having two organizations for purchases ?

Mr G. R. F. Tottenham : (a) and (b). The various Defence Services have discretion to employ the agency of the Indian Stores Department or that of the Director of Contracts to supply their requirements according as they consider the one or the other will best serve their interests.

(c) The question of having a single organisation capable of purchasing, both in peace and war, all the requirements of the Central Government has been repeatedly considered, and it has been decided that the present system should be retained on grounds of efficiency.

INCLUSION OF CERTAIN DETAILS IN THE JOURNAL ISSUED BY THE DIRECTOR OF CONTRACTS.

95. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if it is a fact that the *Indian Trade Journal* cites all details, including the quantity of articles purchased and the rate at which they are purchased, whereas the journal issued by the Director of the Contracts shows only the description, name and the value of the article purchased, but not the quantity and the rate at which it is purchased ?

(b) If so, do Government propose to direct the Director of Contracts to show the aforesaid details ? If not, why not ?

Mr G. R. F. Tottenham : (a) Yes, Sir.

(b) No. The practice on the Army side has for years past been to limit the publication of details regarding contracts in the manner stated.

This system works satisfactorily and is understood to be favoured by most of the contractors, with whom the Director of Contracts has dealings. Government, therefore, see no reason to alter it.

Mr. Lalchand Navalrai : Is the Honourable Member aware that the Indian Stores Department prepare the statistics and the lists in such a manner as to show the price as well as the quality of article purchased, so that it would be possible to find out if there is fraud ? Is the Honourable Member going to adopt the same system in his Department ?

Mr. G. R. F. Tottenham : No, Sir. We see no reason to alter the existing system adopted by the Director of Contracts.

Mr. Lalchand Navalrai : Does the Honourable Member know that really no rates are given and no quantities are being given ?

Mr. G. R. F. Tottenham : As I said, the practice on the army side has for years past been to limit the publication of details in the manner stated by the Honourable Member.

PROVIDENT INSURANCE SOCIETIES IN SIND.

96. **Mr. Lalchand Navalrai :** Will Government be pleased to state :

- (a) how many provident insurance and funds societies have been started in Sind during the last five years ;
- (b) whether the attention of Government has been drawn to the proceedings of the meeting held at Karachi on the 13th January at the Buyers and Shippers office in connection with the working of these societies ;
- (c) whether Government intend taking any action to safeguard the interests of subscribers to these funds ; if so, what ;
- (d) whether it is a fact that Government have instituted an inquiry into the working of these provident insurance societies ; if so, what the result of the inquiry is ; if not, whether Government intend holding such an enquiry ,
- (e) whether Government contemplate any legislation in connection with such societies ; if so, what the nature of such a legislation is ; if not, what they propose to do in the matter ; and
- (f) whether it is a fact that this is a Central subject and that the Bombay Government have already brought this subject to the attention of this Government and suggested amendment of the Insurance Law ? If so, what steps have Government taken ?

The Honourable Sir Muhammad Zafarullah Khan : (a) 71 provident insurance societies

(b) Yes.

(c), (d), (e) and (f). The law relating to the regulation of provident insurance societies is contained in the Provident Insurance Societies Act, 1912, which is administered by the Local Governments. The Government of India have not made any enquiries into the working of the societies in Sind but the Government of Bombay have drawn their

attention to various unsatisfactory features attending the growth of such societies in Sind and have also suggested amendment of the insurance law. The matter is at present under the consideration of the Officer on Special Duty appointed by the Government of India to examine the desirability of amending the insurance law in India.

Mr. Lalchand Navalrai : May I inform the Honourable Member....

Mr. President (The Honourable Sir Abdur Rahim) . The Honourable Member is not required to give information, but he should put his question

Mr. Lalchand Navalrai : May I know from the Honourable Member if it is a fact that in Sind, since this enquiry has been going on, lakhs of rupees have been contributed to these Funds and that many of these Funds are closing down and people are thereby being affected adversely ?

The Honourable Sir Muhammad Zafrullah Khan : The information which the Honourable Member has supplied to me may be correct.

Mr. Lalchand Navalrai : May I, therefore, request that the matter may be expedited ?

The Honourable Sir Muhammad Zafrullah Khan : Matters are progressing as fast as they can.

Mr B. Das : When is the Special Officer likely to report on the amendment of the Insurance Act ?

The Honourable Sir Muhammad Zafrullah Khan : I am afraid I could not say.

Prof. N. G. Ranga : Is the Honourable Member aware of the fact that similar unsatisfactory conditions prevail even in the Madras Presidency ?

The Honourable Sir Muhammad Zafrullah Khan : I have no information.

ALLEGED HOSTILE ATTITUDE OF THE EAST INDIAN RAILWAY ADMINISTRATION TOWARDS TRADE UNIONS.

97. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if they have received a telegram from the East Indian Railway Union, complaining of the hostile attitude of the Railway administration towards trade unions ?

(b) If so, how far are the grievances mentioned in the telegram true ?

(c) What steps do Government propose to take to investigate the complaints and give relief ?

Mr. P. R. Rau : (a) Yes.

(b) and (c). The matters referred to in the telegram are generally within the competence of the Agent, East Indian Railway, to decide, and the telegram has been referred to him for disposal

Mr. Lalchand Navalrai : Has the Honourable Member heard from the Agent with respect to this matter ?

Mr. P. R. Rau : No, Sir. We did not ask for a reply.

Mr. V. V. Giri : Are Government aware that many workers who are taking an active part in the Trade Union movement on the East Indian Railway have been victimised ?

Mr. P. R. Rau : That does not arise out of this question

FIXATION OF THE TIME FOR THE ISSUE OF DEMAND NOTICES OF INCOME-TAX.

98. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if the Central Board of Revenue have laid down any rule or given any instructions to the Income-tax officers, fixing the reasonable maximum and minimum limit of time for giving a demand notice for payment of ordinary and super income-tax under section 29 of the Income-tax Act ?

(b) Has the attention of Government been drawn to the remarks of the Court of the Judicial Commissioner in Sind, condemning the practice of issuing notices of demand after a long time—in that case it having been issued after about two years ?

(c) If the answer to part (a) be in the negative, do Government propose, in view of the instances such as pointed out in part (b), to make a rule fixing the time for the issue of demand notices under section 29 of the Income-tax Act ? If not, why not ?

Mr. A. H. Lloyd : (a) No.

(b) Yes.

(c) The Commissioner of Income-tax has applied for leave to appeal against the order of the Judicial Commissioner in Sind referred to in part (b) of the question. The point raised in this part of the question will be considered by the Government when they have the result of the appeal before them.

INCOME-TAX ASSESSMENTS RE-OPENED IN SIND.

99 ***Mr. Lalchand Navalrai :** Will Government be pleased to state in how many cases in each Income-tax office in Sind, assessments were re-opened under section 34, as having escaped notice, and after how much time during the years 1933-34 and 1934-35, respectively ? Will Government be pleased to lay on the table a statement thereof, showing briefly the reasons for such re-opening ?

Mr. A. H. Lloyd : The information required is not on record and could be compiled only at an expenditure of time and labour that would not be justified by the value of the results

APPEALS DECIDED BY THE ASSISTANT COMMISSIONER OF INCOME-TAX IN SIND.

100. ***Mr. Lalchand Navalrai :** Will Government be pleased to state the number of appeals decided by the Assistant Commissioner of Income-tax in Sind in the year 1934-35 and the time taken in deciding each appeal from the day of the institution of each of them ?

Mr. A. H. Lloyd : The number of appeals decided by the Assistant Commissioner of Income-tax in Sind in the year 1934-35 was 1,529. As regards the time taken in deciding each appeal, the information is not on record and could be compiled only at an expenditure of time and labour that would not be justified by the value of the results.

Mr. Lalchand Navalrai : Is not the Honourable Member able to find out from the judgments what time was taken ?

Mr. A. H. Lloyd : By going through 1,529 proceedings, yes.

INCOME-TAX CASES IN SIND CALLED FOR REVIEW BY THE COMMISSIONER OF INCOME-TAX, BOMBAY.

101. ***Mr. Lalchand Navalrai :** Will Government be pleased to state in how many cases the Commissioner of Income-tax, Bombay, called for review cases from the Income-tax offices in Sind under section 33 of the Income-tax Act in 1934-35, and after how much time from the day of the decisions given by the respective Income-tax officers in Sind ?

Mr. A. H. Lloyd : Presumably the Honourable Member refers to cases where the review was undertaken by the Commissioner of Income-tax, Bombay, himself, without a representation from the assessee, for the purpose of enhancing the assessment. There were only two such cases. One of them was taken up after six months and the other eight and a half months from the date of the decision given by the Income-tax Officer concerned.

STATEMENT OF INCOME-TAX CASES LAID BEFORE THE COURT OF THE JUDICIAL COMMISSIONER IN SIND.

102. ***Mr. Lalchand Navalrai :** Will Government be pleased to state in how many cases in all statements of cases were laid before the Court of the Judicial Commissioner in Sind under section 66 of the Income-tax Act in the years 1933-34 and 1934-35, and with what result ?

Mr. A. H. Lloyd : One in 1933-34 which was decided against the Department and three in 1934-35 which have not yet been heard by the Court.

AMENDMENT OF SECTION 61 OF THE INDIAN INCOME-TAX ACT.

103. ***Mr. Lalchand Navalrai :** What steps do Government propose to take in order to amend section 61 of the Income-tax Act ? Is it a fact that the said section was proposed to be amended in the year 1929 but was kept in abeyance pending further consideration ?

Mr. A. H. Lloyd : I would refer the Honourable Member to my answer to his question No. 15.

PLATFORMS AT CERTAIN STATIONS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

104. ***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that the Gudur broad gauge platform on the Madras and Southern Mahratta Railway is too low for passengers to get down and get up easily ?

(b) Do Government propose to raise the level of the platform for the convenience of the passengers at Gudur, Thaduku and Vepagunta on the Madras and Southern Mahratta Railway, broad gauge line ?

(c) Are Government aware that the platforms at Gudur, Renigunta, Katpadi and Arkonam are only partly covered and other stations like

Chittoor, Tirupati, etc., are not covered at all and great difficulty is felt by passengers during summer to get down in the hot sun ?

(d) Do Government propose to put up coverings for the entire platforms at all important stations on the Madras and Southern Mahratta Railway ?

Mr. P. R. Rau : (a) No The platform is the standard height for medium level platforms.

(b) It is the policy of Government to leave the allocation of funds allotted for this purpose to the Agent, who is in touch with the relative importance of stations and has the benefit of the advice of his local advisory committee

(c) No. But Government have no reason to dispute the statements made by the Honourable Member

(d) No. I may add that the Madras and Southern Mahratta Railway propose to have a partly covered platform at Tirupati.

Mr. M. Ananthasayanam Ayyangar : Are Government aware that the Local Advisory Committee suggested and recommended that, so far as Thaduku and Vepagunta are concerned, they should be covered and the level of the platforms also should be raised ?

Mr. P. R. Rau : Possibly, Sir, but it is a question for the Agent to decide what is the best way of utilising the sums allotted to him for this purpose.

Prof. N. G. Ranga : Will the Honourable Member kindly bring this suggestion to the notice of the Agent ?

Mr. P. R. Rau : I understood from the Honourable Member that the suggestion had been brought to the notice of the Agent by his Advisory Committee.

BRINGING IN OF TRAINS NEAR THE PLATFORMS AT CERTAIN STATIONS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

105. **Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that on many stations on the Madras and Southern Mahratta Railway, such as Chittoor, Puthalpet, Renigunta, etc. when two trains cross each other, one of the trains is stopped on the loop-line and passengers including old men, women and children with heavy luggage are made to alight on the ground and cross the railway line at great inconvenience and risk ?

(b) Are Government prepared to issue instructions that all trains should be brought near the platforms without exception and the passengers made to alight and get in from there ?

Mr. P. R. Rau : (a) The Agent, Madras and Southern Mahratta Railway, states that at single line stations on the metre gauge, when two passenger trains have to cross, the first train is, wherever possible, received on the platform line and the second on another line. The rules provide for the trains not being allowed to stop opposite each other where this can be avoided, and require that the train on one line must be drawn ahead of the other so that the rear brake van of one train is at least 10 yards clear of the rear brake van of the other train.

When this is not possible, passengers are not allowed to alight between the two trains or to pass between the vehicles of either train. The distance from the footboards of vehicles to the ground is comparatively small, and it is not considered that passengers are put to any inconvenience or risk by being required to alight on the ground between two tracks instead of one to the platform.

On the broad gauge, where two trains cross, both trains are taken on to the platform line.

(b) The acceptance of my Honourable friend's suggestion would involve considerable delay to passenger trains at stations at which such trains cross, and Government are, therefore, unable to accept it.

Mr. M. Ananthasayanam Ayyangar : Are Government aware that at Chittoor, the district headquarters in Chittoor district in the Madras Presidency, on the metre gauge line two trains stand on two different lines, halt there for more than 15 minutes, and there is sufficient time for both trains to come to the platform, but that still women and children have to get down on the ground and cross the railway line with heavy luggage at great risk ? I would ask the Honourable Member to lay on the table what information he received and what kind of inquiry was made, after this question was put, to conclude that there is absolutely no such inconvenience, when day after day we are feeling the inconvenience.

Mr. P. R. Rau : I will send a copy of my Honourable friend's speech to the Agent of the Madras and Southern Mahratta Railway.

NON-REDUCTION OF THE EXCISE DUTY ON SALT MANUFACTURED FROM SEA-WATER.

106 ***Mr. M. Ananthasayanam Ayyangar :** Will Government be pleased to state why they have not reduced the excise duty on salt manufactured from sea-water as in the case of salt and saltpetre produced in the Punjab and other mines in Northern India ?

Mr. A. H. Lloyd : Excise duty has not been reduced on salt produced in the Northern India salt sources, as stated by the Honourable Member, and there is no duty on saltpetre. Reduced rates of duty are levied on salt and *sitta* educed in saltpetre refineries in Northern India. The concession has been granted because educed salt is much inferior in quality to ordinary salt. *Sitta* is so impure as to be unfit for human consumption. Moreover the license fee for the manufacture of saltpetre includes an element of duty on the educed salt.

Mr. M. Ananthasayanam Ayyangar : Is the Honourable Member aware that in Anantpore and the Ceded Districts of the Madras Presidency, such inferior kind of salt is produced by the local men, and that, with respect to that kind of salt, similar concessions should be allowed ?

Mr. A. H. Lloyd : I answered the question about Northern India. I have no reason to believe that the salt produced in the area to which the Honourable Member refers is of the same inferior quality as that which is educed in the production of salt in saltpetre refineries.

Mr. M. Ananthasayanam Ayyangar : Will the Honourable Member kindly make inquiries, and, if he is satisfied, extend the concession ?

Mr. A. H. Lloyd : I do not think it is necessary to make such inquiries.

Mr. M. Ananthasayanam Ayyangar : Is the Honourable Member aware that in those districts there has been famine for over a year and we have been repeatedly requesting that concessions should be given ?

Mr. A H Lloyd : I do not think, Sir, that is relevant to the rates of duty in Northern India

Mr. M. Ananthasayanam Ayyangar : With respect to salt produced in other parts of India, similar concessions are given as for salt produced in Northern India. Therefore, this comes under that question. Will the Honourable Member consider my suggestion after making inquiries ?

(No reply)

PROMOTION OF LONG STAPLE AND MIDDLE STAPLE COTTON IN INDIA.

107 **Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that in Brazil experiments on a large scale are being made for the production of medium staple cotton for supply to the world markets and England ?

(b) Are Government aware that annually seven crores worth of long staple cotton are being imported into India from the United States of America, and if so, are any steps being taken in India to make her self-sufficient in cotton ? If so, what ?

(c) Are any measures taken for the promotion of long staple and middle staple cotton in India, and if so, what are they ?

Sir Girja Shankar Bajpai : (a) Government are aware of a marked increase in the production of cotton in Brazil in recent years

(b) and (c) During the five years ending 1933-34 the average annual imports into India of cotton from the United States of America were valued at Rs 1½ crores. The largest imports were in 1932-33, worth Rs 3.84 crores. Liberal grants are made by the Indian Central Cotton Committee to promote the more extensive cultivation and the marketing of improved varieties in India and to make pure seed easily available to the cultivators at a reasonable price and also for purposes of demonstration and propaganda. For a detailed account of the Committee's activities I would refer the Honourable Member to the Committee's latest report for the year ending the 31st August, 1934, a copy of which is available in the Library of the House. These measures have already met with much success.

Mr. B. Das : Has the Honourable Member suggested to the Finance Department to put heavier duty on imported American cotton ?

Sir Girja Shankar Bajpai : I think that if the Finance Department were to take any such action, it would be a very severe blow indeed to those mills in this country which go in for the finer counts.

Mr. B. Das : What about the agriculturists who produce cotton in India ?

Sir Girja Shankar Bajpai : I have already informed the House that the Indian Central Cotton Committee is doing its duty by the agriculturists.

Mr. M. Ananthasayanam Ayyangar : What is the quantity of middle staple cotton produced in India ?

Sir Girja Shankar Bajpai : I can give my Honourable friend the figures for the year 1933-34 : staple one inch—25,000 bales : 7½ inch to one inch—1.346 million bales, 5½ inch to 13½ inch—1.254 million bales.

AMOUNT RAISED IN INDIA BY SUBSCRIPTIONS FOR THE SILVER JUBILEE CELEBRATIONS.

108. ***Mr. M. Ananthasayanam Ayyangar :** (a) What is the total amount raised in India by subscriptions from the public and by contributions from the Local and Central Governments for the Silver Jubilee celebrations ? What amount was spent out of it, and how was the balance disposed of ?

(b) Are Government aware that an extract from an article in the *Manchester Guardian* appeared in the *Madras Mail*, pointing out that the Silver Jubilees of Queen Victoria and other Sovereigns were not celebrated and that the celebration was unnecessary and expensive ?

(c) Are Government aware that in Madras and Delhi arrests were made of some persons for carrying on alleged anti-Jubilee propaganda ?

The Honourable Sir Henry Craik : (a) I have no information in regard to the amount raised or contributed, and expended, in the provinces. The Government of India allotted a sum of two lakhs, all of which was spent on the celebrations.

(b) I have seen an article in this sense in the *Madras Mail* of April 13th last, but there is nothing in the article to show that it was extracted from the *Manchester Guardian*. It was an article from a London correspondent of the *Madras Mail*.

(c) In Madras five persons were convicted under the Press Act in connection with leaflets, some of a violent revolutionary character, in which boycott of the Jubilee was advocated. In Delhi eight persons were arrested in connection with the circulation of leaflets of a similar nature. In all these cases action was justified not because the leaflets advocated boycott of the Jubilee but because they were otherwise of a seditious nature.

Mr. M. Ananthasayanam Ayyangar : As regards clause (a), how is it difficult for the Honourable Member to collect information regarding the total amounts raised in the several provinces ?

The Honourable Sir Henry Craik : The difficulty is that there were a very large number of local committees in the different provinces, unofficial committees, collecting subscriptions, and it would have entailed a very large amount of correspondence to ascertain how much they collected and how much they spent.

Mr. M. Ananthasayanam Ayyangar : Does the Honourable Member suggest that the Central Committee in each Presidency is itself not aware of the amounts raised throughout that Presidency, and, if it is so aware, how is it difficult to collect statistics from eleven Presidency headquarters and place them before this Honourable House ?

The Honourable Sir Henry Craik : I am not aware whether the Central Committees in each province are aware of what is collected by purely local committees : I imagine they were not ; but, in any case, the matter is one for the Local Governments, and not for the Government of India.

Mr. M. Ananthasayanam Ayyangar : Can it be a crore of rupees approximately ?

The Honourable Sir Henry Craik : I cannot say.

Dr. N. B. Khare : Will Government send for the information required ?

The Honourable Sir Henry Craik : I do not think it is of sufficient importance.

Mr. M. Ananthasayanam Ayyangar : With reference to the arrests made, is it seditious to say that India cannot afford to celebrate the Jubilee at such enormous expense ?

Mr. President (The Honourable Sir Abdur Rahim) : That is asking for an opinion

Dr. Khan Sahib : Is the Honourable Member aware that in Dera Ismail Khan, on the 5th of May, a Congress shopkeeper was beaten by a Dera Ismail Khan Government Honorary Magistrate and the police came there on the spot, but took no notice of it, because they wanted him to put some flag on his shop in celebration of the Jubilee and he refused to do it ?

The Honourable Sir Henry Craik : How does that arise out of my reply ?

Dr. Khan Sahib : Because it is in connection with the Jubilee celebration.

The Honourable Sir Henry Craik : It has nothing to do with the collection of subscriptions.

Mr. Mohan Lal Saksena : Is the Honourable Member aware of the amount collected by the Central Committee at Delhi and how it has been spent ?

The Honourable Sir Henry Craik : No . I have not the details

Mr. A. H. Ghuznavi : Is it not a fact that only two British sovereigns before His Majesty reigned long enough to reach the stage of Silver Jubilee—one being Queen Victoria, and the other was one who became a lunatic at the time ?

Mr. S. Satyamurti : On a point of order, Sir : how does this arise ?

Mr. President (The Honourable Sir Abdur Rahim) : The Chair does not think that arises out of the answer.

The Honourable Sir Henry Craik : I do not think it arises, but I do not think that the Honourable Member's statement is correct.

Mr. A. H. Ghuznavi : Is it not further the fact that the Silver Jubilee Celebration was stopped by Queen Victoria on account of the death of the Prince Consort, and that of the lunatic king did not take place on account of his lunacy ?

(No answer.)

INSTITUTION OF THE SYSTEM OF JOB ANALYSIS IN THE POSTS AND TELEGRAPHS DEPARTMENT.

109. ***Mr. M. Ananthasayanam Ayyangar** : Are Government prepared to institute the system of job analysis in the Posts and Telegraphs Department for devising economy in expenditure on the lines, suggested by Mr. Pope regarding the Railway Administration ?

The Honourable Mr. D. G. Mitchell : The organisation and the methods of work of the different branches of the Indian Posts and Telegraphs Department have been examined from time to time since 1921 by six different committees with a view to secure all possible economy consistent with efficiency, which is the object of the system of the job analysis. Government do not, therefore, consider it necessary at present to institute another investigation of the nature contemplated by the Honourable Member.

Mr. M. Ananthasayanam Ayyangar : Instead of carrying on the analysis by separate committees, cannot it be concurrently done and information gathered in the department itself ?

The Honourable Mr. D. G. Mitchell : The department is continually carrying out a scrutiny of the methods of work of its subordinate offices.

CONSTITUTIONAL ASPECT OF CERTAIN TERRITORIES IN BALUCHISTAN.

110. ***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state the Constitutional aspect of the following territories in Baluchistan :

Las Bela, Bugti, Kharan, Makran, Brohi, Marri, and such other tribal units ?

(b) Are these territories under the direct control of British India or connected with the United Confederation of Kalat State ?

(c) If the constitutional composition of the territories in question is a different one than the two mentioned above, will Government be pleased to describe the reality of the fact and throw light on it ?

Mr. J. G. Acheson : So far as this question relates to tribal areas, namely, Marri and Bugti country, the information is as follows :

(a) The Marri and Bugti territories are tribal areas in the Sibi Political Agency.

(b) These areas are not included in British India. They are tribal areas under the Political control of the Government of India through the Agent to the Governor General in Baluchistan and the Political Agent, Sibi.

(c) Does not arise.

The remaining areas are Indian State territory.

ALLOWANCES PAID TO THE TRIBAL SARDARS OF BALUCHISTAN.

111. ***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state whether the tribal Sardars of Baluchistan, such as Marri, Bugti, Kharan and other territories in Baluchistan, get monthly allowances from the Government of India for personal use ?

(b) Is it a fact that these Sardars, apart from the above mentioned allowances, also get certain amounts for maintenance of their administration from the Government of India ?

(c) If the reply to parts (a) and (b) above be in the affirmative, will Government be pleased to lay on the table a consolidated statement showing therein yearly amounts paid to individual Sardars ?

(d) Do the tribal Sardars of Marri and Bugti render any service to the British India and if so, what kind of service ?

(e) Do the Sardars mentioned in part (d) get the above stated allowances in virtue of some treaties made between them and Government, and if so, will Government please place copies of those treaties on the table ?

Mr. J. G. Acheson : So far as tribal Sardars are concerned the information is :

- (a) Certain Sardars of Baluchistan draw monthly allowances from Government and in return they are made responsible for the tranquillity of their tribal areas. Some of them have to maintain a specified number of tribal levies for this purpose. When called upon to do so they serve as members of *Jirgas*.
- (b) No, except in so far as the upkeep of levies and the duties described in the answer to part (a) can be described as 'maintenance of administration'.
- (c) A consolidated statement of such allowances is furnished.
- (d) Of the Sardars whose names are shown in the consolidated statement which is laid on the table, only four belong to British Baluchistan and, therefore, to British India. They render services to British India in the manner described in the answer to part (a). The remainder do not render any direct service to British India except that they serve on *Jirgas* and that they keep order in their tribal areas which has a direct effect on conditions in the neighbouring areas of British India.
- (e) There are no treaties but regular agreements with the Marris and Bugtis, copies of which are laid on the table. There are neither treaties nor agreements with other Sardars. Kharan is a part of Indian State territory, regarding which Government are not prepared to answer questions in this House.

STATEMENT SHOWING ALLOWANCES PAID TO SARDARS IN BALUCHISTAN.

<i>Quetta Pishin District.</i>				Rs.
K. S. Sardar Ghulam Mohd. Tarin	..	..	..	1,800
<i>Kalat and Chagan District.</i>				
<i>Chagan District.</i>				
Sardar Mohd. Ali Khan Mengal	..	..	..	19,260
Sardar Abdul Aziz Khan Badini	..	..	..	9,600
Sardar Mehrullah Khan Jamaludin	.	.	..	9,726
Mir Chandan Khan Tarasezai Mengal	.	..	..	1,440
Sardar Taj Mohd. Sanjerani	..	..	..	28,800

Loralai District.

			Rs.
Sardar Shahbaz Khan Wanechi	..	.	840
Sardar Habib Ullah Khan Belkhel	..	..	960
Sardar Allah Dad Khan Jaffar	..	..	720
K. B. Sardar Shah Ghazi Khan	..	..	840
Sardar Sobha Khan Lehrzai	..	..	960
K. S. Sardar Baz Mohd. Khan	..	..	1,800

Sibi District.

Marri Service (excluding Kohlu and Ry Sub-Division)	.		47,460
Bugti Service	..	.	70,200
K. B. Sardar Samundar Khan Barozai	..	..	1,320
K. B. Sardar Wahab Khan, M.B.E.	.	..	1,380
K. S. Murad Khan Sarangzai	..	..	990
Sardar Rustam Khan Jamah	..	..	600

Zhob District.

Sardar Bahadur Sardar Mohd. Khan Jogezeai	..	..	1,800
Sardar Bahadur Sardar Zarghun Khan Jogezeai	..	..	1,800

Agreement given by Sirdar Mahrullah Khan and the Chiefs of the Marri Tribe, to Major Sir Robert Sandeman, K.C.S.I., Agent, Governor General, Baluchistan, at his camp at Quat on the 6th January, 1881.

We, Sirdar Mahrulla Khan, Tumandar, Karram Khan, Chief of the Bijerani section, Bakhtiyar Khan and Sobdar Khan, Chiefs of the Tingani section, Nihal Khan Loharani, Mir Hazar, Gazani, Kote Khan, Bijerani, Sheran, Kalwani, Batil, Shaheja, Gul Muhammad, Chilgri, and other chiefs of the Marris, agree as follows on the following conditions :

- (1) The whole country shall remain at peace, and all the roads shall be kept open without hinderance. If any evil-doing is perpetrated by the Marri tribe in Sind, the Punjab, or any part of British territory, Government is to have the right of stopping this service, and of cutting off all intercourse with the tribe.
- (2) When any theft is committed in British territory, or on the British roads, the Tumandar and chiefs will immediately restore the stolen property. If serious offences, such as murder or highway robbery, are committed either within British territory or on trade roads, or in their neighbourhood, the Tumandar and Chiefs will be responsible for the production of the actual offenders. If the Tumandar and Chiefs are not concerned and are faithful in this, the Political Officer will assist them in carrying out this condition ; but if it appears that the Tumandar and Chiefs are in any way concerned in the crime, they will be themselves held responsible.
- (3) The Marri tribe shall have no claim to any additional pay on account of protection of the railway or telegraph lines, and they shall prevent their people doing any damage to these. The Government will, of course, exercise its pleasure as to employing Marris or any others to carry posts, or to act as telegraph line riders.
- (4) The condition on which the Sirdar draws his pay is, that either he himself, or his son, shall be present in attendance on the Political Officer, as long as he is in his own country on this duty he shall not receive any subsistence allowance (for the attendance), but when he goes out of his own country to Quetta, Hurnai, or Sibi, he shall receive the usual subsistence allowance.
- (5) We (the Marri Chiefs) will produce individuals to perform service to be approved of by the Government, and they shall be posted wherever Government please within the Marri country or in the country close to it.

- (6) The Vakıl and his two sowars shall, so long as required remain in attendance on the Agent, Governor General. When Agent, Governor General, does not himself require him, he shall be in attendance on the Political Officer.
- (7) Whenever the Political Officer or the Agent, Governor General, summons the Tumandar or any of the Chiefs, he shall at once attend without making excuses.
- (8) Hostages, as specified in the separate list annexed, with one Ressaldar and ten sowars, shall remain continually, till further orders, present at Sibi. The Marri Ressaldar and sowars will be responsible for their production daily before the Political Officer at Sibi. The hostages shall be changed in regular turn in the manner specified in the list, with the permission of the Political Officer, Sibi.

We will remain subject to the British Government, and will not wage war, nor make any attempt at inflicting contribution on any other people or tribe, without the permission of Government.

We have written these words as our agreement and sunnud.

Seal of Sirdar Mihrulla Khan.
 Mark of Karram Khan, Bijerani.
 Mark of Bakhtiyar Khan, Tingani
 Mark of Sobdar Tingani
 Mark of Nihal Khan, Laharani.
 Mark of Mir Hazar, Gazani, Nozbandagani.
 Mark of Kote, Bijerani.
 Mark of Sheran, Kalwani.
 Mark of Batil, Shaheja
 Mark of Gul Muhammad, Chulgr.
 Mark of Kote, Tingani
 Mark of Jamal, Tingani.

Witnesses

(Sd.) Sirdar Asad Khan, Raisani.

(Seal of) Mir Yar Muhammad, son of Sirdar Alladina Kurd

(Seal of) Sirdar Alladina Kurd.

Dated 6th January, 1935.

Terms regarding service, behaviour, and hostages agreed to by the Sirdars, Chiefs, and Mucaddams of the Bugth Tribe.

Whereas Lieutenant-Colonel Reynolds, Political Agent, Lieutenant Jennings, Officiating Assistant Agent to the Governor General, have, with the sanction of the Agent, Governor General, planned the service as shown in List 2 attached.

We, Mir Shabaz Khan, eldest son of Sirdar Ghulam Murtaza Khan, and on his behalf, Gohram Khan, uncle of Kechi Khan, Shambani, and on his behalf, Shah Ali Mucaddam, Musori Bijar Nothani, Touriz Nothani, Rehan Nothani, Dihjan Nothani, Rugha Kulpar, Futtuhul, Kulpar, Mirdost, Kulpar, Haidar Kulpar, Easab Kulpar, Zunu Kulpar, Barani Mundrani, Sobdar Khiazai, Futteh Khan Shambani, and Ghuna Khan, Shambani, agree as follows.

(1) That we will at once give six hostages who will remain in Jacobabad or wherever the Agent, Governor General, may order. They will be from the following sections.

- 1 from the Musori section.
- 1 from the Nothani section.
- 2 from the Kulpar section.
- 1 from the Mundrani section.
- 1 from the Shambani section.

They will be changed as per detail in the annexed List No. 3.

One of the Bugti Sirdar's sons will also remain with the hostages, who will be under his orders. He will be responsible for their daily reporting themselves to the Political Agent in charge.

(2) If any of the Bugtis hereafter commit petty thefts, etc., within British territory, the sirdar will at once recover the stolen property. But if the offence committed be such as murder, highway robbery or other serious offence, the offender will be produced and made over to the Political Agent. If more than reasonable delay occurs, the hostage belonging to the criminal section will be kept in close custody until the actual offender or offenders are produced.

(3) The amount of pay will be the same as hitherto sanctioned by Government; but this will be disbursed in future only to those who are actually in the performance of duty.

Detail of service has been given in the annexed list No. 2.

Mir Shabaz Khan, eldest son of Sirdar Ghulam Murtaza Khan, will be recognized as Resaldar or commandant of the sowars. All the sowars will remain under his orders.

Shabaz Khan will himself work under the direction of his father, but will, when necessary, send out sowars to recover stolen cattle, etc.

At present Ghulam Murtaza Khan being ill, Shabaz Khan will officiate as sirdar of the Bugtis in addition to his own work; when the former recovers, he will resume the charge of his own duties.

(4) One Jemadar, a Rand, if possible, with 12 Baluch Guide sowars, will, be stationed at Bibruk Dera to see that the terms of this agreement are properly executed. If necessary, some of these sowars may be detached to Thusu to keep the Shambanis up to their agreement.

Kechu Khan and Gohram Khan will be held responsible for keeping the peace on the part of the Shambani section, and Ghulam Murtaza Khan and Mir Shabaz Khan on the part of the rest of the tribe.

(5) In future when any sirdars or mucaddams are sent for on Government duty and out of their own district, they will receive subsistence allowance at the rate allowed to the Maris.

When they are summoned, the number of the men to accompany them should always be clearly stated by the summoning officer.

(6) If people of any section refuse to obey the order of their sirdar, and the sirdar wishes them punished, Government will have this punishment carried out, on the Assistant Agent, Governor General's ascertaining that the sirdar's complaint is true and that punishment is deserved.

(7) We, the sirdar and mucaddams, agree that in future we will remain subject to the British Government, and will not wage war against Maris, Shambanis, or others without the permission of Government.

(8) The hostages will be allowed to go when Government is satisfied, from the good behaviour of the tribe, that the arrangements are of a permanent character. This point to be decided by the Agent, Governor General.

(9) When the sirdar or any of the chiefs are summoned by the Assistant Agent, Governor General, he shall at once attend without making excuses.

- (Sd.) Mir Shabaz Khan, son of Bugti Tumandar.
- (Sd.) Gohram Khan, uncle of Tumandar Shambani.
- (Sd.) Shah Ali, Musori Mucaddam.
- (Sd.) Bijar Khan, Nothani.
- (Sd.) Touriz Khan, Nothani.
- (Sd.) Rehan Khan, Nothani.
- (Sd.) Dilijan Khan, Nothani.
- (Sd.) Rugha Khan, Kulpar.
- (Sd.) Futtuhull, Kulpar.
- (Sd.) Mir Dost, Kulpar.
- (Sd.) Hyder, Kulpar.
- (Sd.) Easab, Kulpar.
- (Sd.) Zunu, Kulpar.
- (Sd.) Barani Mundrani.
- (Sd.) Sobdar Khazai.
- (Sd.) Futteh Khan, Shambani.
- (Sd.) Guhna Khan, Shambani.

QUESTIONS AND ANSWERS.

Witnesses.

(Sd) Nawab Imam Baksh Khan, Mazari

(Sd.) Sirdar Assad Khan, Rausani.

(Sd) Naib Mulla Pujan

Countersigned and approved, pending sanction of Government

(Sd.) E REYNOLDS, *Lieut.-Colonel.*

Political Agent

(Sd.) R. H JENNINGS, *Lieut.-Colonel,*

R E.

Offg. Assistant Agent, Governor General

TERRITORIES OF KALAT STATE

112 **Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state what territories of Kalat State are on lease ?

(b) Is it a fact that the expenditure on the administration of these territories is heavy in comparison with their income, resulting in loss to Government and if so what is the total amount of loss sustained every year ?

Mr J G. Acheson : (a) The following territories of the Kalat State are on lease

- 1 District and Niabat of Quetta
- 2 Bolan Pass
- 3 District and Niabat of Nushki
4. Niabat of Nasirabad

The terms on which these territories have been given on lease are stated in Agreements Nos XIV, XXVI and XXVIII published in Acheson's Treaties, Volume XI, 5th Edition, 1929

(b) The loss sustained is as under :

- 1 *District and Niabat of Quetta*—The figures for this area are not available as the records of the Office of the Political Agent, Quetta-Pishin, were buried in the earthquake and have not yet been fully salvaged
- 2 *Bolan Pass*.—The average deficit for the past three years in round figures is Rs 65,000 a year.
3. *District and Niabat of Nushki*—The annual deficit is Rs 58,000.
4. *Niabat of Nasirabad*—The average annual deficit for the three years (1928-29 to 1930-31) prior to the opening of the Khirtar Canal was Rs. 62,000 a year. No reliable figures after the opening of the Khirtar Canal are available as a consolidated land revenue and water rate is being recovered from the land-holders and no financial adjustment between the Baluchistan and Bombay Governments regarding the cost of the Khirtar Canal and its working has yet been arranged. Development operations are still proceeding and a considerable portion of the waste lands has still to be

colonized. The income from these lands is on the increase. The deficit on the average of the past four years after the opening of the Khirtar Canal has been reduced to Rs 14,675 per annum subject to any adjustment referred to above

POSITION OF THE POLITICAL AGENCY IN THE TERRITORIES OF YOB AND KHATRANO IN BALUCHISTAN.

113. ***Seth Haji Abdoola Haroon** : Will Government be pleased to state the real position of the Political Agency of the Government of India in the territories of Yob and Khatrano (Baluchistan) and whether these territories are permanently under British India, and if not, then what the real position is ?

Mr. J. G. Acheson : It is presumed that the Honourable Member refers to the Zhob and Loralai Political Agencies. These are not included in British India but are tribal areas known as Agency territories legally on the same footing as the tribal territory on the North-West Frontier.

CONSTITUTIONAL CHARACTER OF THE SHAHI AND OTHER JIRGAS IN BALUCHISTAN.

114. ***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state the constitutional character of Shahi Jirga in Baluchistan, and its powers, and in what capacity outsiders Sardars and other representatives participate in the said Shahi Jirga ?

(b) Will Government be pleased to state the constitutional character of other local Jirgas of Baluchistan and their powers and responsibilities ?

(c) Will Government be pleased to state .

(i) whether the Presidents of the Shahi and other Jirgas in Baluchistan are nominated by Government or elected by their members, and, in case they are nominated, the reasons for the same and the qualifications required for such Presidents ; and

(ii) whether Government are prepared to allow the Jirgas to elect their own Presidents instead of the Government's nominee ?

Mr. J. G. Acheson : (a) The Shahi Jirga is a Council of Elders consisting of the Chiefs of the tribes in Baluchistan. The members of the Jirga are appointed by the Agent to the Governor General. Important civil and criminal cases and questions of tribal customary law which cannot be settled by District and Joint Jirgas are referred to the Shahi Jirga for opinion. It is not understood exactly what is meant by " Outsider Sardar " but there is nothing to prevent the Agent to the Governor General from nominating Sardars and others who are not normally members of the Shahi Jirga to be members of that body to assist in their deliberations for special reasons.

(b) (i) *District Jirgas* are appointed by Political Agents from the leading men of the various tribes in their districts. Such Jirgas deal with cases within the district and they make recommendations according to the customary law of the tribes concerned. Orders on their findings are passed by Political Agents

(ii) *Joint Jirgas*—These Jirgas function in the same way as District Jirgas but deal with cases which occur between residents of different districts.

(iii) *Inter-Provincial Jirgas*—These Jirgas deal with cases which occur between residents of Baluchistan and residents of the Punjab and the North-West Frontier Province.

(c) (i) The Presidents of the Shahi and other Jirgas are nominated. There are no special qualifications but the President of a Jirga has to see that cases are heard promptly ; that the proceedings are correctly drawn up and that the hearing is impartial. He must also have a thorough knowledge of customary law and of jirga procedure. For these reasons nomination is necessary.

(ii) Government do not see any reason to make a change, for which there has been no demand, in the existing system

ALLEGED MONOPOLY OF NON-SINDHIS IN THE KARACHI GENERAL POST OFFICE.

115 ***Sir Ghulam Hussain Hidayatallah** : Will Government be pleased to state :

- (a) whether their attention has been drawn to an article, with the heading " Monopoly of Non-Seindhis in the Karachi General Post Office ", appearing in the *Daily Alwakhid*, in its issue of the 14th March, 1935 ;
- (b) if so, what action they have taken or propose to take in the matter ; and
- (c) if not, whether Government propose to make any enquiry or to take any action in regard to the subject matter of the article ?

The Honourable Mr. D. G. Mitchell : The attention of the Honourable Member is drawn to the reply given by Mr. Bewoor on the 9th April, 1935, to his identical starred question No. 1680

DISTINCTION IN THE PAYMENT OF RAILWAY FARE BY AN INDIAN MAJOR AND A BRITISH CAPTAIN.

116 ***Mr V. V. Giri** : (a) Are Government aware that a Junior Indian Major (I.M.S.) drawing less pay than a Senior British Captain (I.M.S.) has to travel first class on payment of full first class fare, whereas the latter though drawing more pay (including overseas pay) travels first class on payment of only second class fare ?

(b) If the reply to part (a) be in the affirmative, will Government please state the reasons for this distinction ?

(c) Are Government prepared to allow the above concession on salary basis rather than on rank ? If not, why not ?

Mr. G. R. F. Tottenham : (a) and (b). The answer to part (a) is in the affirmative but the reason has nothing to do with either the pay or the nationality of the officer. The concession of travelling first class at second class rates is given to all Captains and Subalterns whether British or Indian, but not to Majors, either Indian or British.

(c) No, Sir. I imagine a concession of this kind based on salary would be exceedingly difficult to work.

Pandit Lakshmi Kanta Maitra : May I know from the Honourable Member if there is any rule in the Military Department which permits Captains to travel in higher class compartments than those for which fares are paid ? Are they permitted to travel in first class though they pay fares for second class ? If so, may I know the grounds for this concession ?

Mr. G. R. F. Tottenham : The Military Department see no reason to depart from the present practice by which the concession of travelling first class at second class rates is confined to the junior ranks, that is, Captains and Subalterns. They see no reason to alter that practice.

RECOMMENDATIONS OF THE HIDES CESS COMMITTEE.

117. ***Qazi Muhammad Ahmad Kazmi :** (i) Will Government be pleased to state the expenditure incurred on the Hides Cess Committee appointed in 1929 ?

(b) What were, in brief, the main recommendations of that Committee ?

(c) How far have those recommendations been adopted by Government ?

(d) If no action has been taken, what unforeseen reasons have been responsible for it ?

(e) Do Government now contemplate taking any steps in pursuance of those recommendations and, if so, when ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The actual expenditure incurred on the Hides Cess Enquiry Committee was Rs. 46,426.

(b) The Honourable Member is referred to Chapter XI of the Report of the Hides Cess Enquiry Committee, a copy of which is in the Library.

(c), (d) and (e). I would refer the Honourable Member to Sir Joseph Bore's speech in this House on the Finance Bill of 1934 as printed on pages 2632-2634 of the Legislative Assembly Debates, dated the 22nd March, 1934. The imposition of a suitable cess on the exports of hides and skins from India is a necessary precedent to the adoption of the other recommendations of the Hides Cess Enquiry Committee and in the present depressed condition of the export trade it is felt that any action which may tend to raise the prices of Indian hides and skins in the export markets and so place them in an unfavourable position *vis-a-vis* their competitors would be injurious to the industry itself.

POSITION OF INDIANS IN ZANZIBAR.

118 ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether it is a fact that the Colonial Secretary has definitely turned down the representation of the Government of India on the position of Indians in Zanzibar ;

- (b) what is the actual position to-day ;
- (c) whether Government will take any action to vindicate the position of Indians in Zanzibar ; and
- (d) if so, when, and what those steps are ?

Sir Girja Shankar Bajpai : (a) No.

(b) to (d) The general question is still the subject of discussion between the Secretary of State for India and the Secretary of State for the Colonies. Meanwhile, I am authorised to announce that if any specific cases of hardship alleged to have resulted from application of the new arrangement are brought locally to the notice of the Government of Zanzibar, they will be most carefully investigated by that Government and, if necessary, brought to the notice of the Secretary of State for the Colonies

Mr. S. Satyamurti : With reference to the answer to clause (a) of the question, may I know, Sir, whether the Government reported to the Emigration Committee, at the meeting held earlier in the year, that the Colonial Secretary had turned down the representation of the Government of India ?

Sir Girja Shankar Bajpai : The proceedings of the Standing Emigration Committee are confidential, and I cannot disclose what transpired in those meetings without the approval of the Committee itself, but I think I can tell my friend that what was reported to the Committee was merely an intermediate stage of the negotiations.

Mr. S. Satyamurti : The Standing Emigration Committee is a Committee of this House, and is there any rule or convention that things which take place there cannot be disclosed or told in the House ? What is this Committee for ? I want a ruling from you, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : That rule applies to Select Committees.

Sir Girja Shankar Bajpai : The position is that, so far the Standing Emigration Committee has always been consulted as to whether questions which are discussed there should be made public or not. The particular point as to whether information should be conveyed to the House or not has not been considered before, and if you, Sir, wish me to explain to the House what happened in that Committee, I am prepared to do so.

Mr. S. Satyamurti : Yes, I want that information.

Several Honourable Members : We all want that information.

Sir Girja Shankar Bajpai : I have already conveyed that information to my Honourable friend without going into details. I said what was reported to the Committee was an intermediate stage of the negotiations.

Mr. S. Satyamurti : May I know, therefore, whether this representation was turned down at the intermediate stage, and, after that, the Government of India went with their begging bowls in their hand and are now considering the whole position ?

Sir Girja Shankar Bajpai : There is no question of a begging bowl or any other kind of eleemosynary instrument being used. The problem

is really a difficult one. The suggestion that the Honourable Member is referring to is a suggestion for a particular kind of inquiry. The Secretary of State for the Colonies said that he did not feel justified at that stage in embarking upon an inquiry, because sufficient time had not elapsed since the passing of the legislation to enable him or the local authorities to say how the legislation was working. It was only natural in the circumstances that the Government of India should say : " Very well, we shall wait for a little time in order to enable you to gather experience of the working of the legislation, but meanwhile if there are any difficulties that individuals are experiencing, you must provide relief for them ", and that relief is provided for by the statement which I have made in the latter part of my reply.

Mr. S. Satyamurti : In view of this courageous attitude of the Government, may I know what is the latest position in this matter ?

Sir Girja Shankar Bajpai : The latest position as, I understand, is that the general question is still the subject of discussion between the Secretary of State for India and the Secretary of State for the Colonies.

Mr. S. Satyamurti : Are the Government of India considering the question of levying an embargo on the import of cloves into this country as a measure of retaliation ?

Sir Girja Shankar Bajpai : My Honourable friend may rest assured that everything connected with this question is receiving the attention of the Government.

Mr. S. Satyamurti : That, Sir, is a very poor assurance in view of the fact that the Government of India have failed all these years to do anything effective.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has put his question and he has got an answer.

Mr. S. Satyamurti : No, Sir ; the answer was that everything connected with this question was receiving the attention of the Government. I want to know whether Government are considering this particular question of putting an embargo on the import of cloves from Zanzibar into this country. That question has not been answered.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair thinks the answer is in the affirmative, is it not ?

Mr. S. Satyamurti : No, Sir ; he said that he is considering everything connected with this question. I want to know particularly whether they are considering this question of putting an embargo on the import of cloves.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has already replied to his question.

Sir Girja Shankar Bajpai : Everything connected with this question is being considered by the Government of India, and if my friend, Mr. Satyamurti, thinks that this particular question is not sufficiently relevant, then, in that case, he is not justified in assuming or suggesting...

Mr. President (The Honourable Sir Abdur Rahim) : The point is whether the question of the import of cloves is being considered, or not.

Sir Girja Shankar Bajpai : Everything connected with this question is under consideration

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable Member mean that it is under consideration ?

Mr. S. Satyamurti : Sir, you cannot give an answer for the Government. They must give the answer.

Mr President (The Honourable Sir Abdur Rahim) : The Honourable Member has said that he is considering everything including this. That is how the Chair understands his answer.

Mr S. Satyamurti : He has not stated so.

Mr. N M. Joshi : May I know whether the Government of India are aware that a company is being formed in London for dealing in cloves ?

Sir Girja Shankar Bajpai : I do not know whether that actually arises out of this question, but the Government of India have no information on that subject.

Mr. N. M. Joshi : May I ask if the Government of India will make inquiries ?

Sir Girja Shankar Bajpai : If my friend will be good enough to disclose to me the source of his information and if it is of sufficient importance to justify an inquiry being made, the Government of India will certainly make an inquiry.

Mr. B. Das : With reference to the reply to the last part of the question, will the Honourable Member kindly tell me if the Government of India have brought to the notice of the Colonial Minister any special cases of difficulties of Zanzibar merchants ?

Sir Girja Shankar Bajpai : We may be making inquiries from the Imperial Citizenship Association of Bombay, but if my friend had listened to my answer, he would have gathered that it is open to individuals in Zanzibar, if they so wished, to make representations direct to the Government of Zanzibar.

Mr. B Das : Direct to the Government of Zanzibar ?

Sir Girja Shankar Bajpai : Yes.

Mr B Das : And not to the Government of India ?

Sir Girja Shankar Bajpai : It is open to them to report to the Government of India and suggest to them that they should take action, but if they think that this is likely to be a dilatory process, it is open to them to make representations direct to the Government of Zanzibar.

Mr. B. Das : Will the Government of Zanzibar forward these representations to the Colonial Secretary in London ?

Sir Girja Shankar Bajpai : He has been definitely asked to forward important cases to the Secretary of State for the Colonies.

Seth Govind Das : Who is to decide whether these individual cases are important or not ?

Sir Girja Shankar Bajpai : There is nothing to prevent the individuals concerned representing to the Secretary of State for the Colonies

if the local authorities, by any chance, consider an important case to be unimportant.

Mr. Mohan Lal Saksena : Did the Government of India receive any representation from Indians in Zanzibar to take retaliatory measures ?

Sir Girja Shankar Bajpai : The Government of India have received representation from the Indian National Association in Zanzibar to take retaliatory action. They have also seen reports of Resolutions on the subject in the press.

INCLUSION OF PROVISIONS FOR A STATUTORY RAILWAY AUTHORITY IN THE GOVERNMENT OF INDIA ACT.

119. ***Mr. S. Satyamurti :** (a) Will Government be pleased to state whether the Government of India, in their despatch on this subject, asked the Secretary of State for provisions for a Statutory Railway Authority to be included in the Government of India Act ?

(b) Will they be pleased to lay their correspondence with the Secretary of State on the table ?

The Honourable Sir Muhammad Zafrullah Khan : Government are not prepared to disclose the nature of their confidential communications with the Secretary of State, and, in this connection, I may draw the Honourable Member's attention to the supplementary questions put by him to question No. 21 on the 6th February, 1935, to Sir Joseph Bhore and the replies thereto.

Mr. S. Satyamurti : May I know if the Government of India contemplate introducing any further legislation on this matter, and, if so, when ?

The Honourable Sir Muhammad Zafrullah Khan : I believe the Honourable Member has already put down a question to that effect.

Pandit Krishna Kant Malaviya : Is it to be held secret from people who make the contribution ? (After a pause.) No answer ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has said that it is a confidential communication and he cannot disclose it

Pandit Krishna Kant Malaviya : Confidential from those who contribute funds ?

Mr. President (The Honourable Sir Abdur Rahim) : Yes, apparently.

OUTLAY ON THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH.

120. ***Mr. S. Satyamurti :** Will Government be pleased to state the total outlay on the Imperial Agricultural Research Council since it was set up, and the results achieved so far ?

Sir Girja Shankar Bajpai : A statement is laid on the table. Particulars of the research schemes and of the progress made are published

in the annual reports of the Council, copies of which are available in the Library of the House.

STATEMENT.

Actuals 1929-30.	Actuals 1930-31.	Actuals 1931-32	Actuals 1932-33.	Actuals 1933-34.	Actuals 1934-35	Budget Estimate 1935-36.
Rs	Rs	Rs.	Rs	Rs	Rs	Rs
1,46,181	6,91,355	6 91,061	8,60,739	12,05,762	14,61,947	22,49,100

Prof. N. G. Ranga : Are the results of the investigations being made by the Council into the cost of cultivation of certain crops now available ?

Sir Girja Shankar Bajpai : I should like to have notice of that question. I could not say whether the results are available or not

Prof. N. G. Ranga : Are the agricultural interests represented on the Imperial Council ?

Sir Girja Shankar Bajpai : This question relates to the amounts of grants made by the Governor General in Council and the activities of the Council ; it does not relate to the constitution of the Council.

REDUCTION IN INDIA'S CONTRIBUTION TO THE LEAGUE OF NATIONS.

121. ***Mr. S. Satyamurti :** (a) Will Government be pleased to state what reduction they have been able to secure in India's contribution to the League of Nations ?

(b) Are Government aware of any reasons why India should contribute more than any of the self-governing Dominions ?

(c) What is the indirect return to this country in the form of salaries of Indian employees of the League per year ?

(d) What steps are Government taking to get India's contribution reduced and to get the employment of Indians in the League organization increased ?

The Honourable Sir Nripendra Sircar : (a) India's contribution for 1935 has been reduced by one unit as the result of the distribution among existing Members of units allotted to Russia on her entering the League.

(b) Government see no reason to suppose that the comparative assessments of India and the Dominions indicate any failure properly to apply the principles on which the existing assessment is based, for those principles recognise population as one of the factors to be taken into account.

(c) The aggregate amount of the salaries of the Indian employees of the League in 1934 appears to have been one hundred and thirteen thousand, three hundred Swiss Francs.

(d) As regards the first part of the question, I would refer the Honourable Member to part (b) of my reply to question No. 590, asked by Lala Rameshwar Prasad Bagla, on the 14th August, 1934. The matter is now under consideration in connection with the forthcoming preparation of a revised scale of allocation.

As regards the second part of the question, for the reasons explained in my reply to part (c) of question No. 500, asked by Dr. Ziauddin Ahmad, on the 9th August, 1934 no means exist of securing an early material increase in the number of Indians employed in the League's organisations, but I may mention that certain informal representations on the subject have recently been addressed to the Secretary General and have elicited a sympathetic reply. I take the opportunity of laying on the table a statement showing the number of officers employed in the League Secretariat and the International Labour Office on a minimum salary of not less than 12,000 Swiss Francs per annum, from which the Honourable Member will observe that, leaving out of account Great Britain, France, Italy and Switzerland, the scale of whose representation is necessarily influenced by geographical and linguistic considerations, the number of Indian employees compares by no means unfavourably with the number of nationals of other States Members.

Statement showing the number of officers employed in the League Secretariat and in the International Labour Office whose minimum salary is not less than 12,000 Swiss Francs per annum

Nationality.	Secre- tariat.	Remarks.	I. L. O.	Remarks.	Total (exclu- sive of Interpreters, Translators, &c.).
British ..	47	21 Interpreters, translators, &c	39	14 Interpreters, translators, &c	51
French	31	16 Do	41	7 Do ..	49
Russia .. ..		..	1	1 do	.
Germany	6		11	6 do.	11
Italy .. .	13	..	8	2 do. .	19
India .. .	3	..	3	.	6
China ..	2		.	..	2
Spain	3		2	1 do .	4
Canada . .	3	.	3	1 do.	5
Poland . .	6	..	2	1 do. .	7
Argentine ..	.	..	..	.	.
Czechoslovakia ..	4	..	1	.	5
Australia	3	.	1	..	4
Holland	5	..	3	..	8

Nationality	Secretariat	Remarks	I L.O	Remarks.	Total (exclusive of Interpreters, Translators, &c.).
Roumania	1		1		2
Belgium	5		3	1 Interpreters translators, etc	7
Sweden	3	.	2	.	5
Switzerland	10	1 Interpreters, translators, etc.	19	7 Interpreter, translators, etc.	21
South Africa	1		1	1 Do.	1
Japan	4		3	1 Do	6
Mexico					.
Denmark	3		2		5
Finland	1		1		2
Ireland	1		3	.	4
New Zealand	2		1	.	3
Turkey	1	..	.	.	1
Chile	1			..	1
Norway	3	.	1	..	4
Peru				.	..
Hungary	2		2	1 Interpreters, translators, etc.	3
Austria	4		2		6
Greece	2	..		..	2
Siam	1	..	..	.	1
Portugal		..	1	1 Interpreters, translators, etc.	.
Cuba		Interpreters and translators.	.	Interpreters and translators.	..
Bulgaria	1	.	1	1 Do.	1
Persia	1	..	1	..	2
Columbia		..	.	..	.
Uruguay	2	..		..	2
Venezuela	1	..	..	.	1
Lithuania	1	.	1	..	2
Bolivia	.	..	..	..	..
Latvia	1	..	..	..	1

Nationality.	Secre- tariat.	Remarks	I. L. O.	Remarks.	Total (exclu- sive of Interpreters, Translators, etc.).
Estonia	1		.		1
Iraq .. ..	..	..	
Abyssinia . .	.	..	.
Afghanistan					..
Albania . . .	1				1
Dominican Republic		.			.
Guatemala	..				
Haiti . . .	.	.			..
Honduras					
Salvador		.	..	..
Liberia . . .		..		..
Luxemburg	2	..	1	..	3
Nicaragua	.	.			..
Panama .. .	1	..			1
Paraguay ..	..	..	.		.
America . . .	5	..	..	..	5

Mr. S. Satyamurti : With reference to the Honourable Member's answer to clause (a) of the question, may I know what is the percentage of reduction ?

The Honourable Sir Nripendra Sircar : Do I understand that my Honourable friend wants to know what that is in rupees, annas and pies ?

Mr. S. Satyamurti : I want the percentage. Percentage should be the same for all coins.

The Honourable Sir Nripendra Sircar : The position is this if I may just explain. This time there are 951 units, and a unit is also not a fixed quantity, because 951 units represent the whole amount budgeted, which may vary from time to time. But, roughly speaking, one unit is in this case Rs. 25,000.

Mr. Satyamurti : May I know, with regard to the answer to clause (b) of the question, apart from population, whether there is any other reason why we should contribute more than Canada, Australia, or South Africa ?

The Honourable Sir Nripendra Sircar : I find various items are taken into consideration. Speaking from memory, apart from population, other items like the number of labourers, the number of schools and other educational institutions, and various other factors are taken into consideration. I cannot give any more definite reply to my Honourable friend than what I have said. That is, on the working of these principles, they have arrived at their figure, and, as a result of our representation, only one unit has been reduced.

Mr. S. Satyamurti : Has India got a free vote in the League of Nations ? In view of the fact that she is an appendage of Great Britain, should there not be at least some monetary concession ?

The Honourable Sir Nripendra Sircar : The question of India having a free vote does not arise out of this question.

Mr. S. Satyamurti : I want to know whether the fact that India has no free vote is no consideration to be taken into account, in determining the contribution to the League of Nations ?

Mr. President (The Honourable Sir Abdur Rahim) : The Chair thinks that should be raised by a separate question.

Mr. S. Satyamurti : With regard to the answer to clause (c) of the question, may I know, in view of this very "sympathetic" reply of the Secretary General, whether there has been any improvement in the number and the emoluments of Indian employees in the various Secretariats of the League ?

The Honourable Sir Nripendra Sircar : To my knowledge, there has been improvement in the case of one, but I cannot possibly just now give information about every individual.

Mr. S. Satyamurti : Does the Honourable Member know that, so far as the United Kingdom is concerned, she gets far more by way of salaries of her nationals employed in the League, than she contributes ?

The Honourable Sir Nripendra Sircar : That is conceded in the last part of my answer, which is this :

"Leaving out of account Great Britain, France, Italy and Switzerland, the scale of whose representation is necessarily influenced by geographical and linguistic considerations, the number of Indian employees compares by no means unfavourably with the number of nationals of other States Members."

That is conceded.

Mr. Satyamurti : Why should you leave out of account Great Britain or France ? I can understand Switzerland for geographical reasons.

The Honourable Sir Nripendra Sircar : It is not a question of leaving out of account in that sense. It means that those four States have got more representatives proportionately than other States.

Seth Govind Das : Will the Honourable Member kindly say whether other countries have also reduced their contributions ?

The Honourable Sir Nripendra Sircar : I believe two or three have, but I have not got them just now. I shall be able to inform my Honourable friend later on if he wants the information.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. There are two short notice questions by Seth Govind Das. Seth Govind Das.

SHORT NOTICE QUESTIONS AND ANSWERS.

ACTION TAKEN AGAINST NEWSPAPERS UNDER THE INDIAN PRESS (EMERGENCY POWERS) ACT, 1931.

Seth Govind Das : Will Government be pleased to state :

12 NOON.

- (a) the number of newspapers in India which have been called upon to deposit securities during the year 1935 ;
- (b) their names and places of publication ;
- (c) the number of papers that have deposited the amounts demanded,
 - (i) their names ;
 - (ii) the amounts so deposited , and
 - (iii) the total amount of deposits so received towards securities.
- (d) the particular reasons for which each newspaper was called upon to deposit securities ;
- (e) the number of newspapers that failed to deposit the securities so demanded and went out of publication ;
- (f) the names of such newspapers ,
- (g) the total number of newspapers that have been asked to deposit securities only for the reason that they published articles on the Quetta earthquake ;
- (h) the number of newspapers that ran out of running as a result of their failure to deposit the security sums required of them ; and
- (i) the particular offence in each case of publishing an article on the Quetta earthquake ?

ACTION TAKEN AGAINST NEWSPAPERS UNDER THE INDIAN PRESS (EMERGENCY POWERS) ACT, 1931.

Seth Govind Das : Will Government be pleased to state :

- (a) the number of newspapers that have been asked to deposit securities since the Press Ordinance, 1930 ;
- (b) the amounts that have been asked of each newspaper ;
- (c) the reasons for which each newspaper had been so called upon to deposit the securities ;
- (d) the amount of security and total in each case ;
- (e) the number of newspapers that failed to deposit securities ;
- (f) the total number of forfeitures of deposits ;
- (g) the total amount so forfeited ;
- (h) the names of the newspapers that forfeited deposits and the amounts so forfeited ;
- (i) the number of newspapers that failed to deposit the requisite securities ; and
- (j) the names and number of such newspapers that went out of running as a sequence of the failure referred to in part (i) ?

The Honourable Sir Henry Craik : With your permission, Sir, I propose to answer both Seth Govind Das' short notice questions regarding action taken against newspapers under the Indian Press (Emergency Powers) Act, 1931, together. I lay on the table five statements giving the information so far as it is available.

STATEMENT NO. I

Statement showing the action taken against newspapers in India under the Indian Press (Emergency Powers) Act, 1931, during the year 1935.

Serial No.	Name of newspaper, with place of publication	Amount of security demanded	Whether security deposited or newspaper closed down on failure to deposit security.	Remarks.
1	2	3	4	5
	MADRAS.	Rs.		
1	Pahuttarivu, Erode ..	1,000	Deposited.	
2	Truth, Madras ..	300	Not deposited. Declaration became void.	
3	Azad-i-Hind ..	.	Not deposited. Paper ceased publication	
4	Prabha, Yellamairu, Gudivada	2,000	.	
5	Kistna Patrika, Masulpatam	2,000		
6	Prabatham, Shoranur, Malabar District	2,000	..	
7	Trilinga, Madras ..	1,500	..	
8	Dhinamani, Madras ..	2,000	..	
9	Prabhat, Mangalore ..	2,000		
	BOMBAY.			
10	Western Racing Journal, Bombay.	1,000	Not deposited Paper not started.	
11	Kamshastra, Bombay	1,000	Not deposited Paper not started.	
12	Cinema Jagat, Bombay ..	1,000	Not deposited Paper not started	
13	Daily Aftab, Bombay	1,000	Not deposited Paper not started.	
14	Bombay Standard, Bombay ..	(i) 1,000 (ii) 3,000	(i) Deposited (ii) Not deposited.	.. Forfeited
15	Hilal, Bombay ..	3,000	Not deposited. Paper ceased publication	

Serial No.	Name of newspaper, with place of publication.	Amount of security demanded.	Whether security deposited or newspaper closed down on failure to deposit security.	Remarks.
1	2	3	4	5
	BOMBAY— <i>contd</i>	Rs.		
16	Azad, Bombay . . .	3,000	Not deposited. Paper ceased publication.	
17	Raushni, Bombay	1,000	....
18	People, Bombay . . .	1,000	Deposited.	
19	Nav-Saurashtra, Ahmedabad .	2,000	Not deposited.	
20	Khetiwadi . . .	500	Deposited.	
21	Mahetaji, Ahmedabad ..	1,000	. .	
22	Hind Nauchatan . . .	500	...	
23	Manasi, Ahmedabad ..	1,000	Deposited.	
24	Rashtriya Vaishya, Bombay ..	2,000	Not deposited.	
25	Hilal-i-Jadid-i-Ukab, Bombay	1,000	Deposited.	
26	Chand, Hyderabad (Sind) ..	500	Not deposited.	
27	Okab, Bombay . . .	750	Not deposited.	
28	Pramod, Bombay	1,000	Deposited	
29	Jananabhuni Mudhanalaya, Bombay.	1,000	Deposited.	
30	Gaddha, Bombay	1,000	... .
31	Nav Shakti, Bombay ..	3,000	Not deposited.	
32	Rashtrateja, Kolaba ..	1,000	Not deposited.	
33	Khulafat, Daily (or Roznama -e-Khilafat), Bombay.	1,500	Deposited.	
34	Lokasatta, Nasik . . .	1,000	Deposited.	
35	Ittehad, Bombay	1,000	Not deposited.	
36	Nav Bharat, Bombay .	1,000	Not deposited.	
37	Roshni, Ahmedabad ..	3,000	....
38	Siyasat, Hyderabad (Sind) ..	1,000	....
39	Saptahik Sakal, Poona ..	1,000	. . .	
40	Prawasi	3,000	....

Serial No.	Name of newspaper, with place of publication.	Amount of security demanded.	Whether security deposited or newspaper closed down on failure to deposit security.	Remarks.
1	2	3	4	5
	BENGAL.	Rs.		
41	Bande Matram, Calcutta ..	3,000	....
42	Mazdur Dunia ..	1,000	. .	
43	Khadim ..	1,000	....
44	Khadim Quadim, Calcutta .	1,000		
	UNITED PROVINCES			
45	Vijai, Agra ..	500	Not deposited Paper ceased publication	
46	Ahrar, Agra ..	1,000	Not deposited Paper ceased publication	
47	Vikas, Saharanpur .	1,000	.	
	PUNJAB.			
48	Alankar, Lahore .	1,000	Not deposited. Paper ceased publication	
49	Balidan, Lahore .	1,000	Not deposited. Paper ceased publication.	
50	Student Outlook, Lahore .	1,000	Not deposited. Paper not published.	
51	Dastan, Lahore ..	500	Not deposited Paper not published.	
52	Yasrab, Lahore .	500	Not deposited. Paper not published	
53	Pratap, Lahore .	3,000	Deposited.	
54	State Representative, Lahore ..	1,000	Not deposited. Paper not published.	
55	Matwala, Lahore ..	200	Deposited	
56	Mushkal Kusha, Qadian ..	250	Deposited .	Forfeited.
57	Shujaat, Lahore ..	1,000		
58	Mohsin, Multan ..	2,000	Not deposited.	
59	Jiwan, Multan ..	2,000	Not deposited.	

Serial No.	Name of newspaper, with place of publication.	Amount of security demanded.	Whether security deposited or newspaper closed down on failure to deposit security	Remarks.
1	2	3	4	5
	BURMA.	Rs		
60	New Light of Burma . .	1,500	Deposited.	
61	Bandoola . .	500	....
62	Whip	3,000	Not deposited.	
63	Azad, Burma, Rangoon .	500	.	
	BIHAR AND ORISSA.			
64	Jamhoor, Patna	2,000	Not deposited. Paper ceased publication.	
	DELHI.			
65	Zaban-i-Khanjar, Delhi ..	500	.	
66	Daily Tej, Delhi	(i) 1,000* (ii) 3,000	Deposited . Deposited.	*Forfeited.
67	Qaumi Gazette, Delhi ..	1,000	Not deposited. Paper ceased publication	
68	Arjun, Delhi	(i) 2,000* (ii) 5,000	(i) Deposited (ii) Deposited.	*Forfeited
69	Dindar, Delhi ..	1,000	Not deposited.	
70	National Gazette, Delhi	1,000	....
71	Kamat, Delhi . .	500	.. .	
72	Taj, Delhi ..	1,000	....

NOTE—(i) The total amount of securities deposited is Rs. 25,950.

(ii) Information as to the reasons for which each newspaper was called upon to deposit security is not available.

(iii) Cases in which demands for security were made on account of the publication of articles on the Quetta earthquake relief are included in the statement.

STATEMENT No. II.

Statement showing action taken against newspapers under the Indian Press (Emergency Powers) Act, 1931, for publication of articles on the Quetta Earthquake Relief

Serial No.	Name of newspaper, with place of publication.	Reasons for action taken.
1	Kistna Patrika, Masulipatam	} Article not known.
2	Trilinga, Madras	
3	Dhinamani, Madras	
4	Prabhat, Mangalore ..	
5	* † Free Press Journal, Bombay	For publication of articles headed "Lives can even now be saved" and "Anomalies of Quetta Relief" published in the issues of the 7th and 9th June, 1935, respectively.
6	Khilafat Daily (or Roznama-e-Khilafat), Bombay.	For publication of an article headed "Bribery" in the issue, dated the 7th June, 1935.
7	* Bombay Standard, Bombay ..	For publication of an article headed "Quake Relief and Quack Remedies" in the issue of the 16th June, 1935.
8	Siyasat, Hyderabad (Smd) . . .	For publication of an article headed "Viceroy's Utterances" containing <i>inter alia</i> a reference to relief measures at Quetta in the issue, dated the 15th July, 1935.
9	Khadim Quadim, Calcutta ..	For publication of an article on the Quetta Earthquake relief in the issue of the 23rd June, 1935.
10	* Medma, Bijnor	For publication of an article headed "The great duty, the cry of pain and the note of sympathy" in the issue, dated the 21st June, 1935.
11	Vikas, Saharanpur	For publication of an article headed "Horripilating stories of the atrocities of the military" in the issue of the 16th June, 1935.
12	Shujaat, Lahore	For publication of an objectionable article which tried to bring into disrepute the British soldiers employed in the relief work at Quetta.
13	* Daily Tej, Delhi	For publication of articles headed "The distressed Indians and Europeans deplorable discrimination" and "The Congress and the Quetta Relief, the Government should realise their responsibility" in the issues dated the 12th and 14th June, 1935, respectively.
14	† Qaumi Gazette, Delhi	For publication of an article headed "Piles of dead bodies are being burnt with petrol" in the issue of the 11th June, 1935.
15	* Arjun, Delhi	For publication of articles on the Quetta Earthquake relief in the issues of the 4th, 6th, 13th and 14th June, 1935.

* In the case of these newspapers security was forfeited, not demanded.

† Ceased publication

STATEMENT No. III.

Statement showing the number and names of newspapers that have been asked to deposit securities, together with the amount of securities, since the Press Ordinance, 1930.

Serial No.	Name of paper.	Amount of security and total in each case.	Remarks.
1	2	3	4
	MADRAS.	Rs.	
1	Citizen of India, Madras	250	
2	Gandhi, Madras (Tri-weekly) .. { 1,000 500 }	1,500	
3	India, Madras	1,000	
4	Indian Express, Madras . { 1,000 500 3,000 }	4,500	
5	Jaya Bharati, Madras	500	
6	Kudi Arasu, Erode	1,000	
7	Manikkodi, Madras	250	
8	Mathrubhumi, Calicut	1,000	
9	Ophan, Karaikudi	1,000	
10	Rajakula Dipikai	500	
11	Sunday News, Bezwada	1,000	
12	Sutandira Sangu, Madras	500	
13	Thennundia, Madras	500	
14	Vasanta Vikatan, Madura	100	
15	Vedi Gundu, Madura	100	
16	Pahuttarivu, Erode	1,000	
17	Prabhu, Yellamarru, Gudivada	2,000	
18	Kistna Patrika, Masulipatam	2,000	
19	Prabatham, Shoranur, Malabar Distt.	2,000	
20	Trilinga, Madras	1,500	
21	Dhinamani, Madras	2,000	
22	Prabhat, Mangalore	2,000	
	BOMBAY.		
23	Gujarat Samachar, Ahmedabad	500	

Serial No.	Name of paper.	Amount of security and total in each case.	Remarks.
1	2	3	4
	BOMBAY— <i>contd.</i>	Rs.	
24	Mahratta, Poona <div style="display: flex; align-items: center;"> <div style="margin-right: 10px;"> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 5px;">1,000</div> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 5px;">1,000</div> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 5px;">2,000</div> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 5px;">2,000</div> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 5px;">3,000</div> </div> </div>	9,000	
25	Free Press Journal, Bombay <div style="display: flex; align-items: center;"> <div style="margin-right: 10px;"> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 5px;">3,000</div> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 5px;">3,000</div> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 5px;">3,000</div> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 5px;">5,000</div> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 5px;">10,000</div> <div style="border-left: 1px solid black; border-right: 1px solid black; padding: 0 5px;">5,000</div> </div> </div>	31,000	
26	Bhavya Bharat and Rajasthan, Ahmedabad	300	
27	Samyukta Karnatak, Belgaum	750	
28	Rajhansa, Dharwar	101	
29	Chitramaya Jagat, Poona	2,000	
30	Bombay Chronicle, Bombay	2,000	
31	Nava Bharat, Bombay	1,000	
32	Jay Swadeshi, Ahmedabad	500	
33	Balwant, Ratnagiri	1,000	
34	Kumar, Ahmedabad	2,000	
35	Sansar Samachar, Karachi	500	
36	Piyush Patrika, Nadiad	500	
37	Morning Post of India, Karachi	500	
38	Majur Sandesh	500	
39	Loka Dharma, Kaira	300	
40	Partap, Hyderabad	1,000	
41	Navakal, Bombay	8,000	
42	Prabhat, Surat	300	
43	Jaya Swadeshi, Ahmedabad	500	
44	Prabhat, Bombay	1,000	
45	Nav Shakti, Bombay	3,000	
46	Raushni, Ahmedabad	3,500	

Serial No.	Name of paper.	Amount of security and total in each case.	Remarks.
1	2	3	4
	BOMBAY— <i>contd.</i>	Rs.	
47	Sind Hindu, Hyderabad	500	
48	The Sun, Bombay	1,000	
49	Piraja Bandhu, Ahmedabad	1,000	
50	Arogya Darpan, Ahmedabad	500	
51	Tarun Karnatak, Hubli, Dharwar	500	
52	Janmabhumi, Bombay	1,000	
53	Illustrated Weekly, Shetkari, Nasik	100	
54	Hilal, Bombay	2,000	
55	Lokwan, Surat		
56	Daily Sun, Bombay	1,000	
57	Bombay Standard	4,000	
58	Raushni, Bombay		
59	People, Bombay	1,000	
60	Nav-Saurashtra, Ahmedabad	2,000	
61	Khetwadi	500	
62	Mahetaji, Ahmedabad	1,000	
63	Hind Nauchatan	500	
64	Manasi, Ahmedabad	1,000	
65	Rashtriya Vaishya, Bombay	2,000	
66	Him-i-Jadid-i-Ukab	1,000	
67	Chand, Hyderabad (Sind)	500	
68	Okab, Bombay	750	
69	Pramod, Bombay	1,000	
70	Gaddha, Bombay	1,000	
71	Rashtrateja, Kolaba	1,000	
72	Khilafat Daily or Roznama-e-Khilafat, Bombay	1,500	
73	Lokasatta, Nasik	1,000	

Serial No.	Name of paper.	Amount of security and total in each case.	Remarks.
1	2	3	4
	BOMBAY— <i>contd.</i>	Rs.	
74	Ittehad, Bombay	1,000	
75	Siyasat, Hyderabad (Sind)	1,000	
76	Saptahik Sakal, Poona	1,000	
77	Prawasi	3,000	
	BENGAL.		
78	The Liberty { 3,000 3,000 }	6,000	
79	The Nayak { 500 1,000 }	1,500	
80	The Lokmanya	1,000	
81	The Biharee	500	
82	The Jamhoor	500	
83	The Anand Bazar Partika { 1,000 2,000 }	3,000	
84	The Amrita Bazar Patrika, Calcutta	3,000	
85	The Dainik Basumati { 500 3,000 }	3,500	
86	The Viswamitra { 1,000 1,500 }	2,500	
87	The Jayasree, Dacca	300	
88	The Harijan	500	
89	Advance	2,000	
90	Commercial India	500	
91	Pravartak	500	
92	Hind-e-Jadid	500	
93	Asri Jadid	500	
94	Free India	500	
95	Kashatriya Sansar	500	

Serial No.	Name of paper.	Amount of security and total in each case.	Remarks.
1	2	3	4
	BENGAL— <i>contd.</i>	Rs.	
96	Bande Matram, Calcutta	3,000	
97	Mazdur Dunya	1,000	
98	Khadim Quadim, Calcutta	1,000	
	UNITED PROVINCES.		
99	The Brahman Saraswati, Etawah	100	
100	The Lodhi Kshattriya, Cawnpore	200	
101	The Chand, Allahabad	500	
102	The Aj, Benares	1,000	
103	The Madina, Bijnor	2,000	
104	The Sainik, Agra	1,500	
105	Vikas, Saharanpur	1,000	
	PUNJAB.		
106	Akali, Lahore	500	
107	Milap, Urdu daily, Lahore	500	
108	Inqilab, Urdu daily, Lahore	500	
109	Pratap, Urdu daily, Lahore	6,000	
110	Mutalaa, Urdu weekly, Ludhiana	250	
111	Zamindar, Urdu daily, Lahore	20,000	
112	Akali-te-Pardesi, Lahore	500	
113	Vir Bharat, Urdu daily, Lahore	3,000	
114	Nawan Yug, Lahore	500	
115	Akali Patrika, Gurmukhi daily, Lahore	1,000	
116	Chandan, Lahore	500	

Serial No.	Name of paper.	Amount of security and total in each case.	Remarks.
1	2	3	4
	BIHAR AND ORISSA— <i>contd.</i>		Rs.
143	Samaj, Cuttack	1,000	
144	Utkal Sevak, Sambalpur	1,000	
145	Yogi, Patna	500	
146	Nava Shakti, Patna	1,000	
	CENTRAL PROVINCES.		
147	Wageshwari Magazine, Nagpur	1,000	
	NORTH-WEST FRONTIER PROVINCE.		
148	The Sher-i-Sarhad, Peshawar { 150 } COORG { 350 }	500	
149	Kodagu	1,000	
	DELHI.		
150	Hindustan Times { 2,000 }	2,500	
151	Arjun { 1,000 }	8,000	
152	Weekly Shradha Nand { 5,000 }	200	
153	Tej { 1,000 }	4,000	
154	National Call { 3,000 }	1,000	
155	Weekly Sanjaya	200	
156	Chitra Pat	500	
157	Chhaya	500	
158	Jaban-i-Khanjar, Delhi	500	
159	Dindar	1,000	
160	National Gazette, Delhi	1,000	
161	Kamat, Delhi	500	
162	Taj, Delhi	1,000	
163	Khadim	1,000	
	AJMER-MERWARA.		
164	Muslim Rajasthan	200	
165	Rajasthan	1,000	
166	Parasar Hiteshi	500	
	Total	2 52.851	

Statement showing the number and names of newspapers whose securities were forfeited, together with the amount of forfeited securities, since the Press Ordinance, 1930.

Serial No.	Name of Newspaper.	Amounts of securities forfeited.	Remarks.
	MADRAS.	Rs.	
1	Gandhi, Madras (Daily)	500	
	BOMBAY.		
2	Free Press Journal, Bombay { 3,000 5,000 5,000 10,000 }	23,000	
3	Nava Kal, Bombay	3,000	
4	Navashakti, Bombay	1,000	
5	Bombay Standard.. .. .	1,000	
	BENGAL.		
6	The Liberty	500	
7	The Nayak	100	
8	The Ananda Bazar Patrika	1,500	
9	The Dainik Basumati	500	
10	The Viswamitra { 100 100 }	200	
11	Kshatriya Sansar	500	
	PUNJAB.		
12	Ahrar, Urdu Daily, Lahore	500	
13	Zamindar, Urdu Daily, Lahore { 1,000 2,000 }	3,000	
14	Mushkal Kusha, Qadian	250	
	UNITED PROVINCES.		
15	Madina, Bijnor	1,000	
	DELHI.		
16	Daily Tej, Delhi	1,000	
17	Arjun, Delhi	2,000	
	Total ..	39,550	

STATEMENT No. V.

Statement showing the number and names of newspapers that failed to deposit the requisite securities and were, in consequence not started, ceased publication or whose declarations became null and void, since the Press Ordinance of 1930.

Serial No.	Name of Paper.	Remarks.
1	2	3
	MADRAS.	
1	Adivara Patrika, Madras.	
2	Daridra Narayana, Gudivada.	
3	Dharama Rakshani, Bezwada.	
4	Gandhi, Madras (Bi-weekly).	
5	Gandhi, Madras (Daily).	
6	Gnanathoothan, Tuticorin.	
7	Ilan Tamilan, Tuticorin.	
8	Janavani, Madras.	
9	Janmabhumi, Madras.	
10	Jaya Bharathi, Madras.	
11	Karnataka Kesari, Bellary.	
12	Khaddar, Madura.	
13	Korada, Madras.	
14	Labour Herald, Madras.	
15	Mooladhanam, Tanjore.	
16	Puratchi, Erode.	
17	Quami Report, Madras.	
18	Science, Madras.	
19	Sunday Herald.	
20	Sutandira, Sangu, Madras	The paper failed to deposit security thrice.
21	Swarajyam Madras.	
22	Swastika, Madras.	
23	Vedi Gundu, Madura.	
24	Yuva Deepam, Guruvayur, Malabar District.	
25	Kathaikadal, Madras.	

Serial No.	Name of Paper.	Remarks.
1	2	3
	MADRAS— <i>contd.</i>	
26	Liberty (English, Tamil and Telugu)	Security was demanded in each case separately, but the paper failed to deposit it.
27	Truth, Madras.	
28	Azadi-i-Hind.	
	BOMBAY.	
29	Hutatma, Shradhanand, Bombay.	Security was demanded twice but the paper failed to deposit it.
30	Bhil Kshtriya, Broach.	
31	Mehsana Prant Patrika, Ahmedabad.	
32	Cinema, Rangbhumi, Bombay.	
33	Mahil Kantha Vartaman, Ahmedabad.	
34	Veer, Broach.	
35	Hindvasi, Hyderabad	
36	Free Press Journal, Bombay	
37	Tarun Karnatak, Hubli, Dharwar.	
38	Navjivan, Ahmedabad.	
39	Pragati, Bombay.	
40	Hindu, Hyderabad.	
41	Week, Bombay.	
42	Kaliyuga, Bombay.	
43	Sind, Herald, Karachi.	
44	Samyukta Karnatak, Belgaum	
45	Indian Daily Mail, Bombay.	The paper could not deposit security thrice.
46	Vartaman, Bombay.	
47	Dil Bahar, Bombay.	
48	Tej. Bombay.	
49	Vijaya Danka.	
50	Swatantrya, Nasik.	

Serial No.	Name of Paper.	Remarks.
1	2	3
	<i>BOMBAY—contd.</i>	
51	Muslim Rajasthan, Bombay.	
52	Muslim Rampur (Ahmedabad).	
53	Navayuga, Hyderabad.	
54	Bene Israel Star, Bombay.	
55	Swaraj, Hyderabad.	
56	Prija, Hyderabad.	
57	Veer Rajasthan, Bombay.	
58	Hindu Jati, Karachi.	
59	Muslim Rampur, Ahmedabad.	
60	Sudarshan, Ahmedabad.	
61	Pratap, Hyderabad	Security was demanded four times but the paper failed to deposit it.
62	Dharmik, Nadiad.	
63	Jananu Bhumi, Karachi.	
64	Manranjan, Ahmedabad.	
65	Lohana Vijaya, Ahmedabad.	
66	Mahratta, Bombay.	
67	Kamdar, Ahmedabad.	
68	Indian Jails (or Hindi jailkhana).	
69	Udyogi Bharat, Amalner, East Khandesh.	
70	Mufis, Bombay.	
71	Prabudha Jain, Bombay.	
72	Sindwasi, Sukkur.	
73	Shaitan, Hyderabad.	
74	Moortipooja Virodhak Patrika, Bombay.	
75	Cutchi Memon Pal Patrika, Bombay.	
76	Kamgar Bulletin, Bombay	
77	Tofan, Bombay.	
78	Swadeshi Patrika, Bombay.	

Serial No.	Name of Paper.	Remarks.
1	2	3
	<i>BOMBAY—contd.</i>	
79	Anandī Mouj, Bombay.	
80	New Reformer, Bombay	Security was demanded twice
81	Navashakti, Bombay	Did not deposit one security out of the two
82	Sphurti, Poona.	
83	Vismī Sadī, Bombay	
84	Port Trust Kamgar, Bombay.	
85	Urania, Bombay.	
86	Insaf, Hyderabad.	
87	Baj Khedwal, Ahmedabad.	
88	The Sudharak, Shikarpur, Sukkur.	
89	Phulwari, Sukkur.	
90	Noor-i-Islam, Hyderabad.	
91	Taran Ababil, Hyderabad.	
92	Arogya Darpan, Ahmedabad	Did not deposit one security out of the two.
93	O Anglo Lusitano, Illustrated Konkani Magazine, Bombay	
94	Al Baloch, Karachi.	
95	Congress Samachar, Bombay.	
96	Hindu, Karachi.	
97	New Era, Bombay.	
98	Baluchistan-e-Jadid, Karachi.	
99	Virbhumi, Bombay.	
100	Al-Harmanī, Bombay.	
101	Prem, Karachi.	
102	Pratap, Hyderabad	
103	Murgh-i-Falak, Hyderabad.	
104	Pol Prakash. Ahmedabad.	
105	Fateh, Hyderabad.	
106	Indian Socialist, Bombay.	

Serial No.	Name of Paper.	Remarks.
1	2	3
	BOMBAY ^a -concl'd.	
107	Western Racing Journal, Bombay.	
108	Kamshastra, Bombay.	
109	Cinema Jagat, Bombay.	
110	Daily Aftab, Bombay.	
111	Hilal, Bombay.	
112	Azad, Bombay.	
	BENGAL.	
113	Hindu Punch, Calcutta.	
114	The Hind.	
115	The Yugasankha, Calcutta.	
116	The Benu, Calcutta.	
117	The Sahafat.	
118	The Nari Gaurab.	
119	The Swadesh, Calcutta.	
120	The Chasimazur.	
121	The Sarathi, Bakarganj.	
122	The Jewan, Calcutta.	
123	The Karkhana, Calcutta.	
124	The Har Har Mahadeo.	
125	The Al-Muslim, Calcutta.	
126	The Vihari, Calcutta.	
127	The Bijoli, Calcutta.	
128	The Sankalpa.	
129	The Punjab.	
130	Jangi Mazdoor.	
131	Gana Nayak.	
132	Marx Panthi.	

Serial No.	Name of Paper.	Remarks.
1	2	3
	UNITED PROVINCES.	
133	The Sahas, Jhansi.	
134	The Samik. Agra.	
135	The Rangeshwar, Allahabad.	
136	The Swadeshi, Allahabad.	
137	The Agarwal Sewa, Allahabad.	
138	The Bhanker, Cawnpore	
139	The Mazdoor Sansar, Lucknow.	
140	The Guncha-i-Itihad, Cawnpore.	
141	The U. P. Local Bodies Magazine, Mainpuri.	
142	The Chandrahas, Cawnpore.	
143	The Uttar Bharat, Garhwal.	
144	The Achhut Sewak, Cawnpore.	
145	The Zarif. Saharanpur.	
146	The Yuwak, Cawnpore.	
147	The Amal, Cawnpore.	
148	The Chitrakut Ashram, Cawnpore	
149	The Lal Jhanda, Cawnpore	
150	The Banaspati-Vigyan, Cawnpore.	
151	The Mazdoor, Cawnpore.	
152	The Nayak, Etawah.	
153	The Tufan. Lucknow	
154	The Swadhin Praja, Almora.	
155	The Labour Herald, Lucknow.	
156	The Desh Bhagat, Meerut.	
157	The District Gazette, Azamgarh.	
158	The Sadai Muslim, Cawnpore.	
159	The Hind Rajasthan, Jhansi.	
160	The Al Naqid, Agra.	
161	The Sudharak, Etawah.	

Serial No.	Name of Paper.	Remarks.
1	2	3
	UNITED PROVINCES— <i>contd.</i>	
162	Vija, Agra.	
163	Ahrar, Agra.	
	PUNJAB.	
164	Kirpan Bahadur, Amritsar.	
165	Mazdur Kisan, Amritsar.	
166	Ajnt, Lahore.	
167	Punjab Kesari, Lahore	
168	Desh Sewak, Gurmukhi weekly, Jullundur.	
169	Desh Sewak, Urdu fortnightly, Lahore.	
170	Akabi, Amritsar	
171	Akabi-te-Pardesi, Amritsar.	
172	Vir Kesari, Lahore.	
173	Vir Bharat, Urdu daily, Lahore.	
174	Asli Qaumi Dard, Gurmukhi daily, Amritsar.	
175	Vir Bharat, Urdu daily, Sialkot.	
176	Sadaqath, Urdu weekly, Lahore.	
177	Daler, Urdu Weekly, Montgomery.	
178	Sadu Samachar, Amritsar.	
179	Desh Bandhu, Lahore.	
180	Mehnat Kash, Urdu, Lahore	
181	Mehnat Kash, Gurmukhi, Lahore.	
182	Danda Pir, Amritsar.	
183	Ajnt, Amritsar.	
184	Sadh Samachar, Amritsar.	
185	Sant Parcharak, Amritsar.	
186	Azad, Lahore	
187	Nidharak, Gujranwala.	
188	Yalghar, Lahore.	
189	Afsana, Gujranwala	

Serial No.	Name of Paper.	Remarks.
1	2	3
	PUNJAB— <i>contd.</i>	
189a	Ganga Sewak, Amritsar.	
190	Paigam-i-Wattan, Hoshiarpur.	
191	Islami Danda, Lahore	
192	Trade Union, Lahore.	
193	Rafiq-i-Tijarat, Rawalpindi.	
194	Nawan Yug, Guimukhi weekly, Lahore	.. The security was not paid out of the three.
195	Mubahila, Amritsar.	
196	Amrit, Montgomery.	
197	Akali Dhandora, Amritsar.	
198	Al-Azhar, Panipat, District Karnal.	
199	Dukhi Bharat, Amritsar.	
200	Sewak, Montgomery.	
201	Montgomery Gazette.	
202	Trade News, Montgomery .. ..	.. Security was demanded twice.
203	Naujawan Bharat, Amritsar.	
204	Zafat Punch, Amritsar.	
205	Sadaqat, Amritsar.	
206	Islah, Amritsar.	
207	Rahbar-i-Punjab, Amritsar.	
208	Zalzala, Amritsar.	
209	Tiryaq, Urdu, Lahore.	
210	Tiryaq, English, Lahore.	
211	Kirti, Lahore.	
212	Indar, Ferozepore.	
213	Bijh, Fazilka.	
214	Tabligh-ul-Hanf, Amritsar.	
215	Afghanistan, Lahore.	
216	Khurshid, Ferozepore.	
217	Nirbhai, Gujranwala.	

Serial No.	Name of Paper.	Remarks.
1	2	3
	PUNJAB— <i>contd.</i>	
218	Sukh Dharam, Ferozepore.	
219	Akali, Lahore.	
220	Iqdam, Urdu daily, Lahore.	
220a	Iqdam, Urdu weekly, Lahore.	
221	Cinema Art, Amritsar.	
222	Punjabi Vir, Gujranwala.	
223	Ajit, Lahore.	
224	Sitara, Lahore.	
225	Punjabi, Lahore.	
226	Chandan, Lahore.	
227	Watan, Ferozepore.	
228	Rasti, Gujranwala.	
229	Rastgo, Gujranwala.	
230	Samaya Vada, Lahore.	
231	Master, Amritsar.	
232	Railway Mazdoor, Lahore.	
233	Afghan, Lahore.	
234	Hindi Kesri, Lahore.	
235	Daily News, Lahore	Security demanded twice.
235a	Mazdur, Lahore.	
236	Desh Bhagat, Lahore.	
237	Babbar Sher, Amritsar.	
238	Prabhat, Hindi Daily, Lahore.	
239	Azad, Urdu daily, Lahore.	
240	Kanwal, Rawalpindi.	
241	Virat Pattar, Amritsar.	
242	Kirti, Lahore.	
243	M ttar, Lahore.	
244	Socialist, Lahore.	

Serial No.	Name of Paper.	Remarks.
1	2	3
	PUNJAB— <i>contd.</i>	
245	Tabsra-tul-Atibba, Sheikhpura.	
246	Guru Khalsa, Sheikhpura.	
247	Mazlum, Rawalpindi	
248	Sadaqat, Hoshiarpur.	
249	Revenue Gazette, Rawalpindi.	
250	Harjan, Lahore.	
251	Rajpal, Lahore.	
252	Fitrat, Sheikhpura.	
253	Munadi, Rawalpindi.	
254	Sunny Magazine, Lahore.	
255	New Outlook, Lahore.	
256	Khyaban, Rawalpindi.	
257	Hindi Kesari, Lahore.	
258	Faryad, Lahore.	
259	Salak, Rawalpindi.	
260	Bhagat, Gujranwala.	
261	Sangla Market Report.	
262	Himmat, Lahore.	
263	Sanat-O-Hirfat, Rawalpindi.	
264	Farzam, Lahore.	
265	Tasmin, Lahore.	
266	Nishat, Lahore.	
267	Acchut Sewak, Amritsar.	
268	Paghal, Amritsar.	
269	Azad Akali, Amritsar.	
270	Doaba Gazette, Hoshiarpur.	
271	Insaf, Helan, District Gujrat.	
272	Talim, Rawalpindi.	
273	Raz-i-Film, Rawalpindi.	

Serial No.	Name of Paper.	Remarks.
1	2	3
	PUNJAB— <i>concl'd.</i>	
274	Quresh, Gujranwala.	
275	Panja Sahib Magazine, Rawalpindi.	
276	Punjab, Rawalpindi.	
277	Mazlum, Rawalpindi.	
278	Akali Patrika, Urdu newspaper, Lahore.	
279	Shamaa, Rawalpindi.	
280	Matwala, Lahore.	
281	New Leader, Lahore.	
282	Amrit Sagar, Lahore.	
283	Mufis, Lahore.	
284	Taskeen, Ambala.	
285	Alankar, Lahore.	
286	Balidan, Lahore.	
287	Student Outlook, Lahore.	
288	Dastan, Lahore.	
289	Yasrab, Lahore.	
290	State Representative, Lahore.	
	BURMA.	
291	Rangoon Mail.	
292	Swatantran.	
293	Wunthanu Thadinsa.	
294	Prachi Prakash.	
295	Desopkari	Security demanded twice.
296	Bramadesh.	
296a	Swatantran.	
297	Viduthalai.	
298	Dho Khit.	

Serial No	Name of Paper.	Remarks.
1	2	3
	BIHAR AND ORISSA.	
299	Mahabir, Patna.	
300	Prajatantra, Balasore.	
301	Imarat, Patna.	
302	Al-Imarat, Patna.	
303	Jamhoor, Patna.	
	ASSAM.	
304	Jana Sakti.	
305	Purabi.	
306	Samachar.	
	NORTH WEST FRONTIER PROVINCE.	
307	Sailab	
308	Frontier Advocate	
309	Islah-i-Rasum.	
310	The Humanity	
311	The "Mashriq", weekly newspaper.	
312	The Sadaqat.	
313	The "Israr-i-Sarhad".	
314	The "Sher-i-Sarhad" of Hazara.	
315	A newspaper by Jagan Nath, son of Hiranand of Bannu City.	
	DELHI.	
316	Monthly Shudhi Samachar.	
317	Weekly Shudhi Samachar.	
318	Khadi Sandesh.	
319	Hindu.	
320	NagriK	
321	Kashmere Pandit.	
322	Rajwari.	
323	Urdu Harijan.	

Serial No.	Name of paper.	Remarks.
1	2	3
	DELHI— <i>contd.</i>	
324	Yugantar.	
325	Vir Bharat.	
326	Arya Prakash.	
327	Bhavish Bharat.	
328	Uthan.	
329	Kainat.	
330	Mohan.	
331	Hindustan.	
332	Darbar.	
333	Arafat.	
334	Inqilab-Hind.	
335	Chal Chitra.	
336	Nava Sandesh.	
337	Tyagbhumi.	
338	Azad.	
339	Muballigh.	
340	Chitra.	
341	Guardian.	
342	Qaumi Gazette, Delhi.	
	AJMER-MERWARA.	
343	Rajasthan Sandesh.	
344	Parivartan.	
Total		
448		

Seth Govind Das : It will not be possible for us to put supplementary questions ?

Mr. S. Satyamurti : Will copies of these statements be made available to us ? Will you kindly direct your office to have them printed and circulated ? It will be very helpful to us in view of the legislation coming before the House.

Mr. President (The Honourable Sir Abdur Rahim) : That will be done.

MOTIONS FOR ADJOURNMENT.

DESPATCH OF TROOPS TO ABYSSINIA.

Mr. President (The Honourable Sir Abdur Rahim) : Pandit Nilakantha Das has given notice of a motion for the adjournment of the business of the House to discuss the question of the despatch of troops to Abyssinia. This subject has already been disposed of.

FIRING BY THE MILITARY AT LAHORE OVER THE SHAHIDGUNJ DISPUTE.

Mr. President (The Honourable Sir Abdur Rahim) : Mr. K. L. Gauba has given notice of a motion for adjournment. He proposes to ask for leave to make a motion for an adjournment of the business of the Assembly today for the purpose of discussing a definite matter of urgent public importance, namely :

“ The failure of the Government of India to institute an inquiry into the circumstances resulting in firing by the Military at Lahore over the Shahidganj dispute.”

I have to inform the House that His Excellency the Governor General has disallowed this motion on the ground that it cannot be moved without detriment to public interest

REFUSAL OF GRANT OF PROTECTION TO THE GLASS INDUSTRY.

Mr. President (The Honourable Sir Abdur Rahim) : Pandit Govind Ballabh Pant has given notice of a motion for adjournment. He proposes to ask for leave to make a motion for an adjournment of the business of the Assembly today for the purpose of discussing a definite matter of urgent public importance, as follows :

“ The refusal of the Government to grant protection to the glass industry in spite of the recommendation of the Indian Tariff Board to that effect.”

I should like to know whether a subject like that is a proper subject to discuss on an adjournment motion.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : The subject of the motion is undoubtedly one of public importance. The case of the glass industry was referred by the Government to the Tariff Board and it was the subject of an exhaustive inquiry and an elaborate report by that Board. The fact that the Government considered it so important and so urgent as to be the subject of an inquiry by the Tariff Board, I think, demonstrates its public importance. There can be no question about its being a question which does involve matters of public importance. It was the subject of a recent Resolution by the Government of India which was issued on the 25th June, this year.

Mr. President (The Honourable Sir Abdur Rahim) : This is a matter for legislation. Protection cannot be granted without legislation

Pandit Govind Ballabh Pant : The Resolution refused to grant the protection that was recommended by Tariff Board. The report of the Tariff Board was published by the Government on the 25th June, this year, and, while publishing that report, they also published their decision on that report refusing to accept the recommendations of the Board.

[Pandit Govind Ballabh Pant.]

In these circumstances, I submit there can be no question about the matter being of public importance.

Mr. President (The Honourable Sir Abdur Rahim) : A passage in May's Parliamentary Practice, page 249, says that matters involving legislation cannot be discussed on an adjournment motion

Pandit Govind Ballabh Pant : There is no question of legislation involved. We, the non-official Members, cannot take any initiative in the matter of legislation of this type. I have not brought any motion recommending the introduction of a Bill by anybody. Of course it is not open to me to introduce such a Bill nor to any other non-official Member of the House. What we are concerned with today is the administrative question whether the recommendations of the Tariff Board, an authoritative expert body appointed for the purpose of inquiring into questions of this character, should be treated so unceremoniously and whether an industry which is almost on its last legs and in a pitiable plight should be denied even that much of assistance which even the Tariff Board had recommended for it. In the case of all industries, the subject of protection is ordinarily referred to the Tariff Board. In this case, the Tariff Board made an inquiry into the matter and then submitted its report to the Government and Government, after taking considerable time in examining the recommendations of the Tariff Board, threw its proposals overboard. I submit that it is a matter of urgent public importance which involves, not only the question whether protection should or should not be granted to the glass industry, but also whether it is proper and appropriate that the Government should treat the recommendations of such an expert body in the manner it has done

Mr. President (The Honourable Sir Abdur Rahim) : Are Government bound to accept the recommendations of the Tariff Board ?

Pandit Govind Ballabh Pant : So far as the practical aspect of the question is concerned, Government are expected to accept the recommendations of the Board. If the Government have not done what they were bound to do, then their action is illegal. If, on the other hand, Government have exercised their discretion in an objectionable and, as I am prepared to say in this case, in a vicious and erratic manner, then too this should be the subject of discussion in this House. In this particular case, there is special emergency as the industry will go to ruins and be destroyed altogether if the protection suggested by the Tariff Board is not given. I would refer you to a ruling which appears on page 41, No. 40, which is almost on all fours, when the Government turned down the report of the Sandhurst Committee, and a motion for adjournment was allowed. My case is much stronger than this. In fact, immediate action is needed in this case. In the other case, the matter could not be said to be so very urgent, as there were large questions of policy involved. The turning down of the report of a body appointed by the Government to go into the question must, therefore, I submit, be regarded as a sufficient ground for the admission of an adjournment motion.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : Sir, I have several objections to the motion which is proposed to be made by my Honourable friend being discussed as an adjournment motion. In the first place, my submission is that the matter

is not urgent in the sense in which that expression has been interpreted as applying to adjournment motions. The matter of the grant of protection to the glass industry has been under consideration for some time

An Honourable Member : Four years.

The Honourable Sir Muhammad Zafrullah Khan : and it cannot be said that unless this matter is discussed on an adjournment motion, the appropriate relief to the glass industry cannot be brought into operation. If it were held that executive or administrative decisions of the Government with regard to matters like the one that the Honourable Member proposes to discuss on an adjournment motion could validly and properly form the subject-matter of adjournment motions, I cannot conceive of any executive or administrative decision of Government which is taken during the sitting or during the adjournment of the House which could not be brought up for discussion on an adjournment motion.

Mr. S. Satyamurti : (Madras City : Non-Muhammadan Urban) : Why not ?

The Honourable Sir Muhammad Zafrullah Khan : In that case, every matter, which is decided on the executive side, could be discussed on an adjournment motion, and, with all respect, I would submit that that is not the normal method of discussing such matters.

Mr. President (The Honourable Sir Abdur Rahim) : When was that inquiry started by the Tariff Board ?

The Honourable Sir Muhammad Zafrullah Khan : This inquiry was started several years ago—four years at least. Then, Sir, my second submission is that with regard to this very matter, it was open to Honourable Members to table Resolutions for discussion in this House. Not only was it open to them but as a matter of fact the Honourable Member who has moved this motion for adjournment of the House has tabled a Resolution for discussion; a notice of a motion has been given by Pandit Govind Ballabh Pant that—

“ This Assembly recommends to the Governor General in Council to take effective and adequate measures for the protection of the glass industry in India ”

That is No. 215 of the Admitted List No. 12-A, issued on the 29th August, 1935, and it is quite possible that the matter may be coming up for discussion in the form of a Resolution as tabled by my Honourable friend

Mr. President (The Honourable Sir Abdur Rahim) : Has it been put down ?

The Honourable Sir Muhammad Zafrullah Khan : It has been put down; I have read out Resolution No. 215. I am not discussing the chances of the Resolution coming up for discussion or not. I am referring to rule 12 of the Indian Legislative Rules at page 85 of the Manual of Business, which says :

“ The right to move the adjournment of either Chamber for the purpose of discussing a definite matter of urgent public importance shall be subject to the following restrictions, namely—

* * * * *

[Sir Muhammad Zafrullah Khan.]

(v) The motion must not anticipate a matter which has been previously appointed for consideration ;—(*I am not referring to that part but to the next part*)—“ or with reference to which a notice of motion has been previously given ”—

and a notice of motion in respect of this matter has previously been given by the Honourable Member himself.

My next objection, Sir, is the objection which you have yourself been pleased to point out to the Honourable Member ; that is to say, that the matter is one that involves legislation. The Honourable Member proposes to censure Government for having refused to introduce legislation in order to afford protection to the glass industry. He wishes, by this motion of adjournment, to censure the Government for failing to introduce legislation to that end ; and, in case the adjournment motion is carried, I have no doubt that he would expect Government to give effect to the wishes of the House in respect of this matter ; that is to say, he would expect Government to introduce legislation in order to give protection to the glass industry. Related to this matter is a second objection on the same score, that is to say, that the motion does not propose to discuss a *definite* matter. I would submit, Sir, that one of the reasons why it has not been considered proper to permit matters to be discussed on an adjournment motion which involve legislation is that matters likely to involve legislation are generally of a detailed nature. It would not be possible in the course of two hours, with speeches restricted to fifteen minutes each, to discuss the question whether Government were or were not justified, on the merits, to refuse to give protection, or rather, as I would put it in this particular case, to postpone the consideration of the question of protection to the glass industry. The motion has been put down in a wide manner to discuss the failure of the Government or the refusal of the Government to give protection to the glass industry. but there are a hundred and one questions likely to arise for discussion to enable Honourable Members to make up their minds before it could be said whether protection should or should not be granted to the glass industry. A matter which has been under the consideration of the Tariff Board for a whole year is proposed to be discussed.

Mr. President (The Honourable Sir Abdur Rahim) : All that is necessary for the Honourable Member is to state his point.

The Honourable Sir Muhammad Zafrullah Khan : I have almost concluded ; and I submit, therefore, that the matter is not a definite matter of urgent public importance, as it would lead to a discussion all over the field with regard to various considerations affecting the glass industry.

Mr. B. Das (Orissa Division : Non-Muhammadan) : May I just submit a few words, Sir ?

Mr. President (The Honourable Sir Abdur Rahim) : The Chair does not want a regular discussion on this motion.

Mr. B. Das : There are only one or two points which I wish to submit. I wish to point out to the Honourable the Commerce Member that the matter is a very definite one. I will remind the House that

the Government brought a Resolution on the convention of sheet glass industry, and this House threw it out, because Government did not give protection to the glass industry nor publish the report of the Tariff Board on glass industry. Thereafter, the Government published that report after the Session adjourned and they gave only a partial effect to the excellent recommendations of the Tariff Board. It was for the Government to bring a Resolution before the House to take measures.....

Mr President (The Honourable Sir Abdur Rahim) : The Chair would inform the Honourable Member that the House does not want a discussion on this motion.

Pandit Govind Ballabh Pant : I wish to submit just one or two words. If you will be pleased to look at ruling No. 40, you will find that it says :

“ I understand that the object of the motion is to censure the Government of India for turning down the unanimous recommendations of the Committee of their own creation ”

That is, in fact, my main purpose in placing this motion before the House in the form in which I have tabled it.

The other point was about rule 12 (4). Now, this rule 12 (4) can apply when a matter has been appointed for consideration. It can apply only if a Resolution has been ballotted for and is included in the list, otherwise it does not apply.

Mr. President (The Honourable Sir Abdur Rahim) : This Resolution has not been ballotted ?

Pandit Govind Ballabh Pant : No, Sir. The second part of this rule is with reference to the question of notice having been given previously. No such notice was given in respect of this matter, and, therefore, this rule does not apply at all. I think I should not insult the intelligence of the House by arguing the point whether it is a definite matter or not.

Mr. President (The Honourable Sir Abdur Rahim) : The question which the Chair has got to decide is whether this motion is in order. The motion wants that the business of the House should be adjourned in order to discuss a matter of definite and urgent public importance, namely, the refusal of the Government to grant protection to the glass industry in spite of the recommendation of the Indian Tariff Board to that effect. Protection cannot be granted ordinarily except by means of legislation, and there is a distinct authority mentioned in May's Parliamentary Practice, on page 249, which leaves no room for doubt in a matter like this. It runs thus :

“ Matters arising out of the debates of the same session, or the terms of a bill before the House of Lords.....cannot be submitted to the house under this Standing Order ”, (that is, the Standing Order relating to motions of adjournment of the business of the House) “ and as on other motions for the adjournment of the house matters involving legislation cannot be discussed.”

I have no hesitation in following this authority as I am not aware that any doubt has been cast on the ruling cited here. I need not go into the other arguments that have been urged before the House. I, therefore, rule that the motion is not in order.

**BOMBING OF WOMEN AND CHILDREN IN THE TRANS-FRONTIER VILLAGES BY
THE INDIAN ARMY (AIR FORCE).**

Mr. President (The Honourable Sir Abdur Rahim) : Dr. Khan Sahib has given notice of a motion for the adjournment of the business today for the purpose of discussing a definite matter of urgent public importance, and it runs as follows :

“ The bombing of innocent women and children in the trans-Frontier villages by the Indian Army (Air Force) which is going on now.”

I want to know if there is any objection to the motion being taken up.

(No objection was taken.)

As there is no objection, the motion will be taken up at 4 o'clock today.

Mr. N. M. Joshi (Nominated Non-Official) : May I be permitted to draw your attention, Sir, to the fact that today is a non-official day, and, in view of the fact that there is very little.....

Mr. President (The Honourable Sir Abdur Rahim) : It is a non-official Member who has given notice of the motion.

THE CODE OF CRIMINAL PROCEDURE (AMENDMENT) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Sardar Sant Singh (West Punjab : Sikh) : Sir, I beg to present the Report of the Select Committee on the Bill further to amend the Code of Criminal Procedure, 1898 (*Amendment of Section 406*).

**RESOLUTION *RE* MANUFACTURE OF LOCOMOTIVE REQUIRE-
MENTS IN STATE RAILWAY WORKSHOPS.**

Mr. Sami Vencatachelum Chetty (Madras : Indian Commerce) : Sir, I beg to move :

“ That this Assembly recommends to the Governor General in Council that immediate steps be taken to equip State Railway Workshops with necessary additional plant and machinery to ensure manufacture of all locomotive requirements within the Railway Workshop.”

It is a curious coincidence that the year of this motion should synchronise with the year by which the Government guaranteed and hoped to equip their State Railway workshops with complete machinery for the construction of locomotive engines in India. In the year 1921, they issued a *communiqué* in the following terms :

“ In pursuance of their expressed policy of making India as far as possible independent of outside sources in the supply of materials, the Government of India have had under consideration the question of the *construction of locomotive engines in India* and they are now in a position to give a general undertaking that tenders will be invited only in India for all the railway locomotives and the locomotive boilers required by Government during the 12 years commencing with the year 1923.”

Similarly, a promise was made in respect of the construction of wagons on the 1st March, 1918. The Government of India said :

“ The Government of India have recently had under consideration the methods of making India more independent of outside sources in the supply of raw materials. One case, in particular, which they have recently examined, in consultation with the Indian Engineering Association and Railway Administration, is the construction of wagons in India and as a result of inquiries they have made they are now able to announce that they will guarantee to purchase in India 2,500 broad gauge and 500 metre or narrow gauge wagons only for ten years ”

This was said in the year 1918, but the actual working of this policy began in the year 1921 and was cancelled in the year 1924, though they guaranteed to buy these wagons at the rate of 2,500 broad gauge wagons and 500 metre gauge wagons for the next ten years. The excuse for cancelling this policy is found in the subsequent statements made by the Honourable Members of the Government representing this department. It was that in consultation with the companies which they have encouraged to come about into existence for the purpose of construction of wagons they have decided that they should place no orders with those companies, for, at any rate, the next few years. Under those circumstances the Government suggested, very nicely indeed, that those companies might be bought off.

Sir, it so happened that last evening I visited the picture palace in Simla and I saw the film, “ the House of Rothschild ”. There was a loan floated by the Government of the day for many millions of pounds and the “ House of Rothschild ” was one of the tenderers who bid for that loan. Their bid though most favourable was not accepted and when the representative of the “ House of Rothschild ” questioned the Government as to why their bid was not accepted, the Member of the Government said that on account of some “ technicality ” they rejected the tender. It was on a similar technicality, flimsy as it was, that this policy of the Government to purchase their wagons and locomotives in India was canceled. The Honourable the Finance Member during his recent tour to Bombay tried very hard indeed to convince the Bombay merchants that the allegation that Government were favouring British interests more than the Indian interests was not true. I dare say he was clever enough to find out that his arguments did not carry much conviction so far as the Bombay merchants are concerned.

The Honourable Sir James Grigg (Finance Member) No, I did not.

Mr. Sami Vencatachelam Chetty : If instances of broken promises should be necessary to convince the Honourable the Finance Member that the Government of India have been consistently working in the interests of the British labourer and British worker more than those of the Indian labourer and Indian worker, I can quote them *ad nauseam*. But a previous Member of the Government resented the charge made by a non-official Member of the Legislative Assembly that they have been breaking pledges. He said, “ No charge is more resented by the Englishmen and the Scotsmen than the charge of breaking pledges ” even though this Government can claim to its credit an unbroken record of broken pledges. (Hear, hear.)

Ever since 1921, there has been in this Assembly a demand from the Government of India to equip their State Railway workshops with such

[Mr. Sami Vencatachelam Chetty.]

machinery as would make it possible to manufacture their whole requirements, not only wagons but also locomotive engines. Particularly last year, in 1934, during the budget debate, more than one Member representing various points of view in the Assembly brought to the notice of the Government the necessity of making their workshops and making their railway administrations independent of imported articles particularly in wagons and locomotives. Probably it will be considered to be the best recommendation for the acceptance of this motion by the Assembly if I should quote a statement from no less a person than Colonel Sir Henry Gidney in regard to this very question. I dare say his successor in this Assembly will please note that his predecessor was in favour of compelling the Government of India to see that their locomotive requirements are fulfilled in India. I would particularly draw the attention of Mr. Bower to what Sir Henry Gidney said on that occasion. He said on the occasion of discussion on the Railway Budget :

“ We cannot control our railways unless we have the manufacturing and building of all the wagons and carriages and engines in this country. Today we have to spend hundreds and thousands of pounds in indenting on foreign countries including Germany for the supply of locomotives.”

Now, Sir, a greater authority than that, an authority which I dare say the Honourable the Finance Member and the Honourable the Commerce Member dare not disagree with, is that of Sir Leslie Hudson, the Leader of the European Group, whose absence owing to illness I really deplore. Sir Leslie Hudson said :

“ We are looking forward to the time when India will be able to manufacture most things for herself. There seems to be no very strong reason why skilled mechanics should not be brought out from England to teach our artisans out here how to construct locomotives in this country.”

To all these representations, strong representations as they were, Sir Joseph Bore, the predecessor of the present Commerce Member said :

“ I can tell my Honourable friend”, (*he was addressing with reference to Sir Henry Gidney, particularly*), “ that the question has already been taken up, it was taken up some months ago and I can assure the House that the possibilities will be most carefully examined.”

This was only a repetition of the policy which they have laid down in 1921. It took thirteen years for a reiteration of that policy in much more diluted terms. In 1921, they definitely said that they were then in a position to go in for the manufacture of locomotive engines within a few years and that they would, in the meantime, call for tenders in India for locomotive engines and wagons. But all that was forgotten and again in 1934, the then Commerce Member stated that the question has already been taken up some months ago and the possibilities will be examined in the course of those months. The same reply was given by the Financial Commissioner in the Standing Finance Committee for Railways. Every time we ask for this policy being executed by the Government of India, every time the Government of India will repeat the assurance that it will be looked into. Where do we stand ? Does it take 13 years to examine the policy whether they could manufacture locomotive engines in India or not ? If this delay is not deliberate, if this delay is not quite intentional to see that Indian industries do not come up and to see that the British

interests are served properly, I ask, Sir, what is the other explanation that the Government can give with justification and with real truth behind it for delaying the execution of this policy? Now, surely the Government Members cannot say that this is not done in the interests of British unemployment. In this connection I am compelled to quote a statement of the Under Secretary of State for India in 1922. He was addressing the Members of Parliament who charged him with not doing anything in the way of relieving unemployment question in England. They charged the Secretary of State for India with not persuading the Government of India to give more work to the British labour. In replying to those charges, the Under Secretary of State for India said in 1922 :

“ To those of my Honourable friends—some of them have approached me privately while others spoke in the debate—who have expressed apprehension very largely on account of their constituents in regard to the purchase of manufactured railway and other materials required in India, I will say that there is no reason for their thinking that they will not get the bulk of this business ”

Then, Sir, when the Under Secretary of State for India promises to his constituents that they will get the bulk of their business particularly of railway works and if the Members of the Government here say that they are not delaying these things on account of the interests of the British labourer, well, I leave it to the House to judge what should be the real intention of this Government in delaying the execution of this policy.

We have spent more than eight crores of rupees in equipping these workshops. For what purpose was it done? When the Government wanted these eight crores to be spent upon equipment of workshops, they made the House believe that they will take up this question and that they would equip the workshops in such a fashion as not to be put to the necessity of going for imported locomotives or wagons. It is upon such promises and upon such misleading promises that the Government obtained the vote of this House for equipping the railway workshops on eight crores. After taking eight crores, they spent a large sum out of that and perhaps even more to equip the workshops, but they never cared to look at the basic question upon which they took this grant from the Assembly. I will not call it a dishonest transaction, but it is certainly not a moral transaction for the Government to make a promise to the Assembly on a particular thing and not perform it. And what is more reprehensible in the act of the Government of the day is that while they have completely neglected the question of locomotive engines, even with regard to wagon construction, it was after a great persuasion that we were able to carry a resolution in the Railway Standing Finance Committee that the first tenders should be called for in India and if these tenders were not satisfactory they should then advertise for tenders outside India. I am told,—I do not know how far it is accurate and I speak subject to correction,—that only 750 wagons were given for construction in India and about 500 were given to other countries. And in course of the currency of the promise which Government have given to this Assembly that wagons will be bought in India, particularly with those firms which they have encouraged to come into existence, during the particular year they have bought wagons from another concern and a

[Mr. Sami Vencatachalam Chetty.]

foreign concern ; and when questioned as to why they broke their promise, the reply was that those wagons were of a special type. Who asked them to prescribe a special type ? What was the intention of prescribing this special type ? Was it only to put down the Indian manufacturer or was it something else ? If a special type was required why was it not placed before these Indian manufacturers to see if they could adjust their machinery to manufacture this special type of wagon ? The whole truth is that the heart of the Government is not in it and Government are not quite sincere in encouraging Indian industries and in reducing unemployment in this country. The trouble is that they are dominated by the higher powers at Whitehall. Whether it is an Indian Member that is there or whether it is a European Member that is there, it is impossible to expect them to be honest and frank to this Assembly while they are being pulled by the reins from behind. We only want that at any rate in matters economic Government should pay great regard to the expression of public opinion as evidenced in the Resolutions of this Assembly and give effect to the promise which they very grudgingly, however, made to the Assembly. With these words I have great pleasure in commending this proposition to the acceptance of the House

Mr. President (The Honourable Sir Abdur Rahim) : Resolution moved :

“ That this Assembly recommends to the Governor General in Council that immediate steps be taken to equip State Railway Workshops with necessary additional plant and machinery to ensure manufacture of all locomotive requirements within the Railway Workshops.”

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh : Muhammadan Rural) : Sir, I have a very high regard for my Honourable friend who has just moved this Resolution, and I am very sorry that I have to oppose the Resolution ; but I shall presently give my reasons for doing so. Sir, I have been studying this railway problem very closely for the last nine years, and I have been a member of the Standing Finance Committee for Railways all these years excepting one year when I was not here. We all want that the railways here should be able to make everything they require in India. The question is, whether the railways can get that done here cheaply to reduce the cost instead of bringing these from outside. At the moment, I think, if we agree to this Resolution it would not be to the interest of the railways or to the interest of India as a whole. Firstly, it is improvident, secondly, it is at the moment inopportune, and, thirdly, it is at the moment undesirable. Sir, regarding its being improvident, I say that the cost of equipping the present railway workshops would be appalling ; I think at least a crore of rupees will be required to equip these workshops in order that they may be able to make their locomotives here. In these days of depression, when the railways are not making any money at all and are losing day in and day out, will it be proper and reasonable to embark on an expenditure of this huge amount of money for equipping the workshops ? And, Sir, we should not forget that the days of engines are probably coming to an end, because electrification is coming on. Who knows that, in another ten years, half of these railway engines may not be required. See what has happened in Bombay where the number of locomotives has been

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reduced. What has happened in Madras ? Electrification is going on, and, on about 60 or 70 miles, these engines are not required. Unfortunately the predecessor of the present Railway Member did not give us that facility in Calcutta although it is the second City in the British Empire. That grievance we have still got against the railway officials seeing that they have given it to other provinces, but not to Calcutta.

Then, Sir, I come to the type of the locomotives. At the moment, we are using a type of engine which, perhaps, in a few years' time, we may not require. Take, for instance, Diesel Engines which have already begun to replace our time honoured locomotives. Then, what shall we be making in our workshops ? Then, Sir, we have to consider that we have to import from abroad most of the materials which we require to make locomotives here.

Mr. Sami Vencatachelam Chetty : I may just point out that what I stated was with regard to all locomotive requirements. It may be Diesel Oil or it may be anything.

Sir Abdul Halim Ghuznavi : Then, I think my Honourable friend has not realised that they will have to make different kinds of workshops for different kinds of locomotives. You cannot anticipate what kinds of locomotives you will require ten years hence ; and, then, if you start now, probably this equipment of workshops will require at least five years. After five years, we do not know what sort of locomotives we will require. We shall be going in at the present time for the present type of locomotives. But why has not a start been made in India ? If it had been a paying proposition was not money available in India for an Indian company to start making locomotives here ? Why did not Tata's do it here ? Because, they know that they cannot compete with firms outside India manufacturing locomotives.

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) . They were not assured of the contracts.

Sir Abdul Halim Ghuznavi : Contracts for Indian requirements only will not be sufficient for the workshops here : they must supply countries beyond. How are the locomotive workshops in London getting on ? Because they provide not for India alone, but for the whole world ? How many locomotive workshops exist in the world ? Very few. The world's demands are supplied by those few. If we start making locomotives here, we shall be making them at an enormous cost compared to the cost at which we now get them from outside India. Is it in the interest of the railways to make these locomotives here merely as my Honourable friend said, to provide a little more work for labour ? Is it fair to the railways and is it fair for us to give sanction to this Resolution ? We know that the railways will not be able to make their locomotives as cheap as they get it from outside India. As regards wagons I know they are being made here and they are being bought by the railways—I have no grievance now as regards wagons. At the meeting in Bangalore, this was thoroughly discussed, and we made it a point to press on the Financial Commissioner that he must purchase his requirements as regards wagons in India and not from outside.

[Sir Abdul Halim Ghuznavi.]

I say, it is undesirable, because the depression is continuing and we do not know the number of engines we may be able to utilise a few years hence : we do not know if we will use the present number even. Only the other day, we noticed in the papers that the railways are losing money and they are doing their very best to meet the deficit. Is it fair to ask the railways to find this huge sum now to construct locomotives which they may not require at all a few years hence ? The types may be scrapped and we may have to go in for another type of workshops altogether. What we should do now is this : we must see to the railways working efficiently and economically, and also cut down, as much as possible, the expenses incurred which, in my opinion, they should not have incurred. I have given one instance. Look at the tremendous expense they incur in Calcutta—two railways, the E. B. and the E. I have their head offices across the street : a huge amount can be saved by amalgamating them. They have two Agents, two Chief Medical Officers, two Deputy Agents, and so on. If the two are amalgamated the Agent of the Amalgamated Railways will be in charge of a shorter length of mileage than the North Western. That they do not do. We should press them to economise their expenses and also look to the comforts of the third class passengers and reduce fares and freights as much as they can. It is not the time now to ask them to erect or equip workshops at a huge cost for manufacturing locomotives, which may not be required at all or which may have to be scrapped a few years hence. With these words, I oppose the motion in as much as it proposes that the extension of the workshops should be taken in hand immediately.

Mr Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhammadan Rural) : Sir, I had no mind to stand on my legs today on this Resolution ; but when I found my friend, Sir Abdul Halim Ghuznavi, opposing this motion, I was very much surprised. Here is an occasion when this House asks the Government to take up certain works which may employ Indians in very large numbers just as Tatas are doing ; and, then, I find that my own countrymen rise to oppose such Resolutions. When my Honourable friend suggests that by economies and amalgamation money may be saved on the railways, I do not find any reason why and on what grounds he thinks that the railways must not take up this business in their hands. The greatest need of the country is that we must have employment. If these workshops are started, we shall also not have to go to foreign countries and invest our money there and buy from them. This is one of the greatest reasons why we must have some sort of workshops in India. If we can manufacture wagons, if we can turn out other things, I see no reason why we cannot manufacture locomotives in India : to say that there will be a paucity of engineers I doubt it very much.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : Has anybody said that ?

Mr. Muhammad Azhar Ali : That may be an argument hereafter : I anticipate that argument of my friends on the other side—that there may not be engineers enough in India to supply the want : my submission is that India is even now prepared to supply technical knowledge and everything required in the shape of engineering. We know what the state of Hyderabad is doing and what the state of Mysore is doing as regards engineering and I see no reason why we, in British India, cannot supply

such qualified men for engineering purposes. To say that Tatas are not yet sure of their success and, therefore, if the Government of India take up such business it may be very risky—as regards that I say that the Government itself has given protection to Tatas and knows the business. And why cannot Government give protection to such a company which is started by Indians themselves hereafter, to manufacture locomotives or things like that if the Indians start a company?

Sir Abdul Halim Ghuznavi : Start one, and Government will give protection.

Mr. Muhammad Azhar Ali : I know that my friend will say that : we do not want the Government to do that only ; but we want Government and Indians to start manufacturing locomotives now.

The Honourable Sir Muhammad Zafrullah Khan : That is not the motion at any rate.

Mr. Muhammad Azhar Ali : The motion is that Government should take up such matters themselves, and I submit that it is high time now for the Government to take this business into their hands : when Government have got enough money to spend on other things, I see no reason why they should not start this, and if they take the Indian public into confidence and ask them to invest money, I am sure, India can afford to do it and will do it : India has sent out gold worth crores and crores : why cannot India invest money in such lucrative business as making locomotives ?

The Honourable Sir Muhammad Zafrullah Khan : The only question is whether they are lucrative.

Mr. V. V. Giri (Ganjam *cum* Vizagapatam : Non-Muhammadian Rural) : Mr President, many words are not necessary from me to commend this Resolution for acceptance of this House. If I may say so, this subject of locomotive manufacture is a subject which is as old as the hills. Promises have been made on the floor of this House that India will be made self-contained in the matter of manufacture of locomotives and locomotive requirements, but these promises have remained mere promises and they have never been put into practice by the Government of India. I would not like to traverse the same ground that was traversed by other speakers, but I would like to mention briefly that the history of the locomotive industry began with the year 1918 when the Government of India issued a communiqué, dated the 1st March, 1918, wherein they stated—

“ The Government of India have recently under consideration methods of making India more independent of outside sources in supply of raw materials.”

The communiqué of the 30th September, 1921, has been referred to and commented upon by the Honourable the Mover of this Resolution, and I do not like to repeat it again.

Again, Sir, in the year 1924, the Tariff Board, in their first Report, have made some observations regarding the manufacture of locomotives in this country, and, incidentally, I would like to reply to my friend, Sir Abdul Halim Ghuznavi. He stated that, in order to make locomotives in this country, a lot of materials have to be brought from England, that raw materials have to be imported from abroad. In this connection, I should like to refer you, Sir, to paragraph 13, Chapter II, of the Tariff

[Mr. V. V. Giri.]

Board Report relating to the locomotive building industry, which states as follows :

“ The industry is very valuable from the national point of view. Apart from its importance as affecting the question of national defence, it is an industry which gives ample opportunities for the purpose of training Indians in mechanical engineering, and if India is to make itself independent as far as possible in the supply of its railway requirements, it is essential that it should possess a well-established locomotive industry.

With regard to the supply of labour also, it is favourably situated, for it cannot be regarded as an industry in which all labour has to be specially trained. There are many engineering works, railway workshops and factories where labour of the kind required in this industry is available at reasonable cost and in sufficient quantity.

With regard to raw materials, it is estimated that about 50 per cent. of the quantity of raw materials required in the manufacture of locomotives can be obtained in India either from the Tata Iron and Steel Company or from other local works engaged in the manufacture of steel products, especially castings.”

Now, Sir, again this matter came to the fore when the Raven Committee inquired into this question. This Committee's observations are also quite relevant to show that the manufacture of all railway requirements will be cheaper if made in railway workshops than in private firms, and I would only refer to a few lines in the Report of the Raven Committee. I quote from pages 76 and 77 of the Report :

“ Assuming equal efficiency of organization and control on either side, all the elements of cost such as labour, materials and oncost have necessarily a tendency to be lower in a Railway Workshop than in a private workshop. . . . We only wish to emphasise here that, with respect to such components of locomotives and spare parts of carriages and wagons that have till now been manufactured almost entirely in railway workshops in India”, *their conclusions are these*—“ that the rates at which spare parts of rolling stock are being manufactured in railway workshops *do* bear favourable comparison with the rates which outside agencies could or would charge ; that nevertheless such manufacture is *not* being carried on as efficiently and economically as it could be, owing either to lack of organization and co-ordination or lack of suitable plant ; and that with the concentration of the manufacturing work, in such existing shops as are advantageously situated with respect to cheap labour, fuel and suitable equipment, on the lines we have recommended, great economies could be achieved.”

It was stated,—I hope I am correct,—the Financial Commissioner for Railways stated that they have been attempting to adjust the manufacture of the locomotive industry in the shops that are existing at present in India without establishing new shops. I do not know if I am correct in the statement I have made. I think the Financial Commissioner made that statement to us when the Standing Finance Committee met at Bangalore.....

Mr. P. R. Rau (Financial Commissioner, Railways) : What statement ?

Mr. V. V. Giri : That the question is being considered by a Committee and they are trying to see if the existing workshops could not be equipped.

Mr. P. R. Rau : May I read a line from the proceedings ?

“ The Board were considering the possibility of utilising any one or other of the existing workshops for the purpose in order to reduce the initial cost.”

It did not state that the Board had arrived at any conclusion on that.

An Honourable Member : You never do.

Mr. P. R. Rau I said we had come to no conclusion at the time I made that statement.

Mr. V. V. Giri : Again, Sir, in the year 1927, this subject came to the fore, and it was mooted by a Member of the Swaraj Party which was then under the distinguished leadership of the late lamented Pandit Motilal Nehru, and there was a discussion on this matter. I am glad to see again, under the distinguished leadership of my esteemed leader, Mr. Bhalabhai Desai, a Resolution on this very subject has been moved. Thus, Sir, from the year 1918 to the year 1935, on several occasions this subject came before this Assembly, and promises were made that the matter would be looked into, that investigation was being made, that the report was expected and that it would be placed before the Standing Finance Committee or before this House. This shows the *malu fides* of this Government and the reason for it is not far to seek. The Government of India are represented by a bureaucracy which is interested as agents of England to promote the interests of England. I am bound to say that the Government of India are the agents of English and foreign capitalists, and they are not interested so much in solving the unemployment problem in this country. I am bound to make this statement, because the Government of India have shown, so far as this question is concerned, extreme inefficiency, inactivity, indifference and insincerity of purpose. I would like, Sir, to prove that, during the last 15 years, crores have been spent in the matter of purchase of locomotives from other countries, and reference to the debates in the Legislative Assembly in 1934 will bear out my statement. On the 13th March, 1934, the Financial Commissioner submitted to the House a statement showing the number of broad gauge and metre gauge locomotives provided in Class I railways from 1927-28 to 1934-35. You will find, Sir, that 427 broad gauge locomotives have been purchased during this period, and 501 metre gauge locomotives have also been purchased during the same period, and if the Government were true to their professions and promises and if they had established this industry years ago, as they ought to have done according to their assertions, India by now would have had a splendid locomotive industry, and she would have been in a position, not only to supply the wants of this country, but also to supply the wants of other countries ; we could not merely have manufactured and supplied all the necessary locomotives that this country wanted, but we could have manufactured and sent them to other countries. ("Hear, hear" from Congress Party Benches.) I am bound to say, therefore, Sir, that if today the Government are having the barren policy of retrenchment, if today 47,000 workers and their families are starving in the streets, the sin lies at the door of the Government of India and nobody else. ("Hear, hear" from Congress Party Benches.) When Russia or Italy or Germany or England are having their planned economy and solving their economic problems and unemployment problems, in India we are simply told that all matters would be looked into and investigations made. I am sure that, if India had a responsible Government of her own, such "monkeying" with affairs of Indians would never have taken place. My Honourable friend, Sir Abdul Halim Ghuznavi, has made a statement on the floor of this House that if locomotives are manufactured here, a crore will have to be spent and the cost will be very prohibitive. In that connection, I would only refer to a statement of no less a person than my Honourable friend, Mr. Rau, who said on the floor of this House, in answer

[Mr. V. V. Giri.]

to a question in 1934, put by Diwan Bahadur Harbilas Sarda. This was with reference to the metre gauge engines that are manufactured in the Ajmer workshops. Mr. Rau stated :

“ I understand that owing to the fact that the prices in England are now low, according to the latest information available to the Railway Board, there is very little difference in the cost of manufacture at Ajmer and the cost of purchase in England, the difference being only Rs. 23.”

It does not matter whether the difference is only Rs. 26 or even Rs. 260 ; neither the Standing Finance Committee nor the public in this country would mind spending that amount. Therefore, on all grounds, it is absolutely necessary that the Government of this country, even at this late day, should take upon themselves the responsibility of undertaking the manufacture of locomotive engines and locomotive requirements that are needed for this country. Sir Abdul Halim Ghuznavi has stated that tomorrow the engines may be replaced by the electric engines. Most probably all the engines may be replaced by aeroplanes, all the aeroplanes may be replaced by something else ; and I suggest to the Government of India that they must have a long-headed view of things, a long vision, to see how they can adjust their workshops on which they have spent crores and crores of rupees in this country. I would suggest to them that they should have not only a locomotive industry, but along with it they should have a subsidiary automobile industry, an aeroplane industry, and certainly the manufacture of electric engines. The whole trouble is this. The Government of India have no long vision, because it is not a national Government, because it is a Government that represents English interests and not Indian interests. That is our trouble

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has only one minute more.

Mr. V. V. Giri : I would not like to take even one minute, and I resume my seat

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair

Mr. Deputy President (Mr. Akhil Chandra Datta) : The House will now resume discussion on the Resolution by Mr. Chetty.

Sardar Sant Singh (West Punjab - Sikh) : Sir, this Resolution, if placed before the Legislature of any civilised country, would not find any opposition from any quarter ; but, to our regret, we find, in India, situated as we are, opposition coming from unexpected quarters. I am sorry that my friend, Sir Abdul Halim Ghuznavi, is not in his seat now, but his speech in this House has been regarded by all people to be of a nature which will checkmate the growth of Indian industries if taken seriously. In his speech, he said that there are three reasons for opposing this Resolution, namely, that such a Resolution, in the first instance, is improvident, secondly inopportune and thirdly undesirable. He took us by surprise when he said that it was improvident because it would cost the Indian

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exchequer a very heavy sum of money. Every industry embracing big enterprises will have to involve a good deal of expenditure but the business proposition we have to look into is not the cost of the industry but the return which the *proposed* industry is expected to yield. If the return is proportionate and adequate then it is certainly worth while spending money. Therefore, this argument that the manufacture of locomotives in India would involve the taxpayers in a good deal of cost does not much stand to reason. Then he said it was inopportune and in support of this argument he said that the world was advancing, that science was making progress and that within another five years, according to his calculation, the present locomotives will be of no service. When I heard this argument from him, I was reminded of a personal experience which I had during the last Delhi Session. I had gone to purchase a radio and on the way I met a friend of mine who asked me where I was going. I told him the object, when he told me : " Don't purchase a radio because improvements are being effected every year " . If that argument were accepted, then nobody would ever purchase a radio.

Captain Sardar Sher Muhammad Khan (Nominated Non-Official) : Did you purchase it ?

Sardar Sant Singh : I did not. If this argument were to prevail that science is advancing and on that account we should not manufacture locomotives, then we had better stop all progress and all business in this country. This manufacture of our own requirements is necessary because India is a big country with a system of railways running from north to south and from east to west and it has the second biggest railway system in the world. It is incomprehensible why small countries like Germany and Great Britain should supply all our requirements. The question naturally arises--why should we depend upon other countries for our locomotives and why should we not manufacture our own requirements. Why should not India be self-contained in this matter ? I have not been convinced by the reasons that have been given from time to time for postponing action on this matter. When the Standing Committee for Railways met last time I actually committed the impertinence of suggesting to the members of the Committee to stop all purchases of locomotives even if it brings the administration of railways to a standstill. The reason for my suggestion was that this demand has been made by Indians so often and for such a long time that unless some strong measures were adopted by the Standing Committee for Railways the Government would not be persuaded to agree with us to establish some plant for manufacturing locomotives in India. I am of opinion that it is not merely the policy of " Buy Indian " that persuades me in this point of view. There is the danger arising from the disturbed condition of the world which makes it incumbent upon us to make provision while there is still time for meeting our own requirements. There is no knowing what may have happened up to this time in the League of Nations which is meeting today to discuss Italo-Ethiopian relations and what will happen if Italy and Abyssinia go to war. The conflagration may spread to other parts of the world. In that case, where shall we get our requirements from, especially if the Suez Canal is closed ? If India is to fulfil her obligation towards her people then she ought to manufacture her own needs. Why not start immediately ?

Captain Sardar Sher Muhammad Khan : You can get from Japan.
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Sardar Sant Singh : My friend who belongs to the military class thinks that Japan would supply us. I am not of that opinion because when he will require tanks and other military requirements he will come to the Legislature and ask it for his needs. It is the Legislature that will be responsible for supplying him with the things that he will need so that he can carry on his war. It is not a thing which should be looked at lightly, especially in the present state of world affairs. I will, therefore, support this Resolution and will expect the Honourable Member in charge of the Railways to take steps immediately to make the necessary arrangements, so that the manufacture of locomotives may be taken in hand as early as possible.

The Honourable Sir James Grigg : I propose to intervene in this debate for a very limited purpose, and that is in the main to enunciate a general principle, which, except in the speech of my Honourable friend, Sir A. H. Ghuznavi, has been completely ignored by every other speaker in the Assembly. This general principle is concerned with the limits within which Government are justified in promoting the establishment of new industries in this country. In some ways, of course, I shall be merely repeating what I have said over and over again on previous occasions in this Assembly but I make no apology for that because, in my view at any rate, it cannot be said too often. The Government of India is justified in taking active steps to establish an industry in India on one or two grounds. The first I need only mention, because it exists very rarely, if at all, and that is in cases where the existence of an indigenous industry of that character is absolutely essential to the very existence of the country. The second occasion is when it can be seen from the start that the industry will, before very long, become self-supporting, so that the burden imposed on the country by the establishment of the industry is definitely foreseeable and is not excessive and, of course, this applies whether the assistance is given by way of subsidy or protection. The only difference between the two is that the cost of protection is much higher and it much more often falls on the wrong shoulders, but there is no great difference in principle between them. In my view it is definitely not reasonable to expect the Government of India to embark on the task of establishing an industry in this country if it is certain from the start that the industry in question will never be self-supporting and, therefore, that its establishment will impose upon the country a permanent and very heavy burden, and by "country" I mean either the consumer or the tax-payer; in the long run it does not make very much difference. And I would also like to say that I do not think this conclusion is vitiated in the least when the agency for the establishment of the industry is one of the State commercialized services. If the railways are to foster uneconomic industries, whether it be by giving orders to outside firms or by setting up industries in their own workshops, one of two things is bound to happen. Either the general tax-payer has got to subsidise the railways, or the user of the railways has got to pay more for the services which they provide. There is no escaping that dilemma: and if the Assembly is inclined to think that the present is an opportune time for the railways to embark on large unremunerative expenditure on the establishment of new uneconomic industries, well, I think I can say that those Members of the Assembly, from all sides of it, who were present at the recent discussions at the Public Accounts Committee on the financial position of the railways are not likely to share that view. Per-

haps I might make two remarks before I leave this point. The first relates to the general question of policy, and on that I would like to say that one of the tragedies of India's protective policy has been that, with the single exception of steel, not a single one of the industries which it has been sought to establish in this country has yet become self-supporting

Mr. S. Satyamurti (Madras City . Non-Muhammadan Urban) : What about textiles ?

The Honourable Sir James Grigg : Well, there is a duty of 50 per cent *plus* a quota against Japan and a duty of 25 per cent. against Lancashire : and each time the textile industry has been up for protection, the protection has had to be increased ! It is one of the tragedies of India's protectionist policy that every single industry, except possibly one, has become more and more in need of State assistance. The other is a passing observation on a remark of Mr. Giri's. Mr. Giri said that one of the advantages of establishing a locomotive industry in this country is that ultimately it would become big enough to export its surplus products. How on earth does he imagine that an Indian industry is going to be able to export, if it cannot produce at something like competitive prices ? It really shows the muddled thinking that goes on about this subject that such a remark could have been made. My purpose in saying what I have said so far is merely to enunciate a general principle. The application of that general principle to the particular case under discussion I can leave in the capable hands of my Honourable Colleague, the Commerce Member. But I do want, if I may, to take up two or three definite mis-statements made by the Mover of the motion. He first of all made some quotations from the English Hansard of 1922 at the time when there was an unemployment debate or questions on unemployment. Well, I happened to have been very closely concerned in those discussions on unemployment in 1922 in England and I can assure him that the question under consideration there was entirely one of the placing of Indian orders on the continent or in England. The policy of the Government of India in the matter of the purchase of stores then was, to the best of my recollection, that they should buy in the cheapest market—whatever that implied,—in India, in Germany or in any other place, and what was happening then was that representations were made to the Secretary of State for India to see if he could avoid the diversion of orders which had hitherto been placed in England to the continent of Europe ; they had nothing to do whatever with the competition between British and Indian orders.

Mr. Sami Vencatachelam Chetty : Sir, I wish to draw the attention of the Honourable the Finance Member to our own Hansard of the year 1927.

The Honourable Sir James Grigg : I am talking about the events of 1922. [At this stage, Mr. Sami Vencatachelam Chetty rose again to his feet] I am not going to give way.

Mr. Sami Vencatachelam Chetty : It is not you who has to give way, it is myself who has to give way. (*Cries of "Order, order."*) He had already given way.

The Honourable Sir James Grigg : I gave way, because I thought the Honourable Member was dealing with the unemployment discussions of 1922. What happened here in 1927 has nothing to do with that.

Mr. Sami Vencatachelam Chetty : On a point of personal explanation.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : Yes, if the Honourable Member gives way.

Mr. Sami Vencatachelam Chetty : In the 1927 Hansard, there is a reproduction of a statement said to have been made by the Secretary of State for India.

The Honourable Sir James Grigg : Surely there is some mistake.

Mr. Sami Vencatachelam Chetty : It is not a mistake, but if it is a mistake, it is a mistake in the debates.

The Honourable Sir James Grigg : I say that your interpretation of the statement is absolutely wrong, because I was in a position at the time to know the correct interpretation. That is in connection with the events of 1922. The second thing I think the Honourable Member said was that the whole object of the Government of India policy was to do everything possible to place locomotive orders in England. That is why, I suppose, recent orders have been placed in Germany ?

Mr. S. Satyamurti : Have they been ?

The Honourable Sir James Grigg : Certainly. Then he gave some figures about wagons. He protected himself by saying—"I have been told". Well, let me tell him that his figures, which were, I think, that orders for 750 wagons had been placed in India and five hundred elsewhere.....

Mr. Sami Vencatachelam Chetty : I did not use those figures. I said that 750 wagons were given to Indian firms and orders for 500 were placed outside.

The Honourable Sir James Grigg : That is precisely what I have said. Now the true figures are these. Out of 4,472 wagons, 750 wagons were purchased in England and 3,722 wagons were purchased in India.

Mr. Sami Vencatachelam Chetty : I am glad.

The Honourable Sir James Grigg : I doubt that because you have lost a grievance. From these three mis-statements which I have been able to disprove without any difficulty whatever, you can judge of the character of the evidence on which the Honourable the Mover arrives at his somewhat malicious conclusion that the whole policy of the Government of India is concerned in protecting British interests and in downing Indian interests.

Prof. N. G. Ranga (Guntur cum Nellore : Non-Muhammadan Rural) : Is that not true ?

The Honourable Sir James Grigg : Well, nothing that I can say will make my Honourable friend alter his conclusion. There are two possible explanations of that conclusion. The first is that by repeating it so often he has come to believe it without any thought about the matter. The second is that his object is not the pursuit of truth but to stir up bad blood,—and he does not much mind what he does, in the process. I would like in conclusion to make one observation in regard to this general accusation made by the Party opposite that the Government of India runs India in the interests of the United Kingdom.

Prof. N. G. Ranga : Is it not so ?

The Honourable Sir James Grigg : Does he believe that if the Government of India, backed by His Majesty's Government, had started out to run this country in the interests of the United Kingdom, that they would have so severely damaged Lancashire in the attempt to establish textile industries in this country ? (Hear, hear.) Does he believe that if we had started out to run this country in the interests of the United Kingdom, we should have spent crores and crores and crores directly and in addition placed very heavy burden on the consumer in this country in order to make it independent of the United Kingdom in the matter of steel ? Does he believe that in the matter of placing wagon orders for railways, which the Honourable Member referred to, we would have given a preference to Indian firms to the extent of fourteen per cent. in price, if our dearest object had been to place orders in England ? I submit, Sir, that the thing is self-contradictory. Honourable Members opposite will no doubt go on believing that the Government of India and the English are knaves but I really think that they cannot simultaneously assume that we are so incompetent as to use such ineffective methods to produce the end which they say we have been seeking. So, having fulfilled the purpose for which I stood up I leave, as I said in the beginning, the main burden of the reply on the particular application of the general principles to my Honourable Colleague, the Commerce Member.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Sir, it is no pleasure to me to have to stand up and support an important Resolution like the one which has been moved by my Honourable friend, Mr. Chetty. It is most annoying and it brings home to us the utterly hopeless condition in which we are in our own country. In any other country, Sir, where the existence of the Government depended upon the will of the people, a Resolution like this would be considered superfluous. The Government themselves would take steps to encourage the indigenous industries of the country and place as many orders as possible in the hands of their own countrymen. The officials themselves would feel that it is to their own interests and to the interests of the Government that they should see that the country is self-dependent, self-reliant and self-contained. The officials would feel that they ought to make some arrangement to be ready for emergencies, for times of war when they may not be able to import things from other countries. Moreover, Sir, the position of a Government which did not do these things, would become untenable. The populace and the vote of the country will condemn that Government and they will be compelled to see to the interests of the country and of the indigenous industries. I have not had the honour of listening to my Honourable friend, Sir Abdul Halim Ghuznavi, unfortunately I was not present in the House then.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : He spoke against India.

Pandit Krishna Kant Malaviya : That he always does. I am not at all surprised at the charge which has been laid against my Honourable friend, but what surprised me most was the proposition that he laid before this House, namely, that it would be uneconomical and improper for us to go in for an industry like this.

Sir Abdul Halim Ghuznavi : It is not for us to undertake this industry, but it is for the State Railways.

Pandit Krishna Kant Malaviya : What ! State Railways ' They all belong to us and we are the masters of those State Railways. (*A Voice :* "In theory only.") Those are our railways. It is unfortunate that we are slaves and have not got the power. This may also be due, to some extent, to the fact that some friends of ours, who come here as representatives of the people, do not really look after the interests of the people. However, the proposition that my Honourable friend laid before the House was that it would not be conducive to the welfare of this country that we should go in for the production of these locomotives. I ask him whether locomotives are not a key industry and whether it is our duty or not to be self-contained and to be self-reliant ? How long are we going to depend on other countries for our own key industries and for our necessities which we need in our every day life ? I am sorry, Sir, that I am sitting at a place which has this disadvantage that I cannot hear anything which is talked about in this House. I am very sorry I have not been able to follow the Honourable the Finance Member but I have been able to catch one or two words here and there. One of the things that he said was that protection meant high cost of production. I would like to ask the Honourable the Finance Member whether this is the policy of the Imperial Government so far as the Government of Great Britain is concerned. I would like to know from the Honourable the Finance Member, Sir, if that is the policy of the Imperial Government these days. What is France doing ? What is England doing ? They are anxious to be self-contained so far as their own Empire is concerned. They know that high tariff walls are being erected all round, they know that they themselves are doing the same thing and they are keen that they should not have to depend upon the outside world for their needs. We know how and why the Ottawa Agreement was arrived at ; we know its history. Why, then, it is not proper for us to manufacture our own locomotives ? This is a question that ought to be answered by the Members sitting on the Treasury Benches. The Honourable the Finance Member made some statements. I could not follow them. All that I could follow was that he was putting two or three questions to the Mover of this Resolution and asking him whether he had faith in the *bona fides* of the Government. My only answer to those questions is that one who excuses himself accuses himself. If that reply satisfies my Honourable friend, he is at liberty to have it. I want to know from him also, Sir, whether there is any nation on earth which has been generous where other nations were concerned ? Whatever a nation does, it does in its own interests. It is guided by its own interests. May I know from the Honourable the Finance Member if it is in the interests of England that this country should be self-contained and self-reliant and that we should have all the key industries in our own hands, that we should be able to produce all the things that we need and that we should not import anything from Great Britain and other foreign countries ? I am sorry he is not here to reply to all these questions.

The Honourable Sir Muhammad Zafrullah Khan : Who is not here ?

Pandit Krishna Kant Malaviya : Oh, he is there. Sir, not only can we not hear properly from here but we cannot even see properly from this place. Anyway, I feel that it is high time that we should develop our own indigenous industries and that we should go in for the manufacture of locomotives. With these few remarks I support the Resolution moved by my Honourable friend, Mr. Venkatachalam Chetty.

The Honourable Sir Muhammad Zafrullah Khan : Sir, before I

3 P M. reply to the particular criticisms of the lack of enthusiasm with which Government have been sought to be charged in this matter, I shall attempt briefly to give a history of the matter on behalf of the Department and try to show to what extent the matter has been pursued already. It was the intention of the Department to place the material, a part of which I shall attempt to place before the House now, before the Standing Finance Committee for Railways, in order to enable them to arrive at some sort of conclusion from that material. I am glad, however, that the present opportunity has been availed of by certain Honourable Members to have the matter discussed on the floor of the House which would dispense with the necessity of now taking this matter to the Standing Finance Committee. Another preliminary observation which I might be permitted to make is with regard to the scope of the motion before the House. No doubt the motion is fairly widely worded and at one stage the Honourable the Mover was under the necessity of explaining to the House that his motion was not limited to locomotives, but extended to locomotive requirements, and that, if there was any difficulty with regard to other means of propulsion having come into the field, for instance, electric locomotives and Diesel engines, there was no difficulty within the scope of his Resolution for Government to equip their workshops so as to be able to deal with these new requirements also : so that that is one aspect of the matter which the House will have to keep in mind when judging Government on this particular motion. As I said, I shall proceed to give a brief history of this matter so far as the Railway Department is concerned. This matter is not, as has been said, as old as the hills although it certainly has been pending for a certain number of years and took active shape in the early twenties of this century—I hope that satisfies my Honourable friends. Now, the main obstacle from the very beginning has been the uncertain and fluctuating nature of the demand for locomotives. Let me illustrate that with reference to one enterprise that was set up to deal with this demand and to supply this particular want of India. The Peninsular Locomotive Company was set up, as I have said, in the early twenties of this century at Tatanagar. From the very beginning they felt the need of State protection if they were to be able to compete with industries outside the country of a similar nature.

An Honourable Member : Long established

The Honourable Sir Muhammad Zafrullah Khan : True. I am not condemning them on that ground, nor am I saying that the position adopted by them was not legitimate. The matter was gone into by the Tariff Board set up in 1924 and their conclusion was that although this was an essential industry and although under different circumstances there might be a fair chance for the industry to establish itself, conditions were such that it could not be said with certainty that with a reasonable measure of protection the industry would establish itself. I would draw the attention of Honourable Members to paragraph 18 of Chapter II of the Tariff Board's Report at the top of page 173. The Tariff Board observe :

“ For the reasons which we have given we are unable to make any recommendations for the grant of protection to the locomotive building industry. We consider it desirable on national grounds that the industry should be established in India (hear, hear), and we believe that this could eventually be done, provided substantial assistance were given by Government in the earlier years. But the existence of a sufficient market for locomotives in India is an indispensable preliminary condition and at present this condition is not satisfied. . . ”.

Pandit Krishna Kant Malaviya : Sir,.....

The Honourable Sir Muhammad Zafrullah Khan :

“ If protection were given now the country would carry a heavy burden during the next five years, and at the end of that period the progress made would be insufficient to justify the sacrifice.”

Pandit Krishna Kant Malaviya : Sir, I rise to a point of order. Is it proper for an Honourable Member, sitting on the Government Benches, not to give way when another Honourable Member of the House gets up to ask for some information or to put some question? I wanted to get some information but the Honourable Member would not yield.

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member tried to interrupt me in the middle of my quotation.

Pandit Krishna Kant Malaviya : I am loath to interrupt the Honourable Member in his speech, but I wanted some information.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member cannot ask for information at this stage, unless the Honourable Member gives way. He should be allowed to proceed with his speech.

The Honourable Sir Muhammad Zafrullah Khan : Had the Honourable Member attempted to interrupt me in my speech, I would have gladly given way. But he attempted to interrupt me in my quotation which I was anxious to finish. In 1924, the Board took that view and with regard to some observations of the Board there was applause from the other side of the House. I join in that applause. I do not differ from the policy that the Board laid down there. But the Board went on to observe what was the essential condition for the establishment of an industry and they found that at that date that essential condition did not exist. I hope to be able to show as I proceed that it exists still less and to a far less degree today than it existed on that date.

Well, then, Sir, this particular company, the Peninsular Locomotive Company was set up in Tatanagar and they found that the cost of production was so high that they could not quote prices that could at all compete with the prices of foreign manufactured locomotives. Here, Sir, I am at liberty to repeat and endorse the stores policy of the Government of India. We all recognise that if we are to promote and encourage Indian industries we cannot, in each case, insist upon absolutely competitive prices and Indian stores are continuously being purchased in India on the principle that a reasonable amount of difference between the prices should be borne by the Government in favour of the Indian manufacturers for the purpose of encouraging Indian manufacturers. Therefore, if the difference in the prices quoted by the Peninsular Locomotive Company and the foreign companies had been at all a reasonable difference, I have not the slightest doubt that orders from the Indian railways would have been placed with the Peninsular Locomotive Company but the disparity of prices was so great and so unreasonable that the Railways found themselves unable to place their orders with the Peninsular Locomotive Company. The Company finding itself in such a position then turned its attention to the manufacture of wagons and there also they found that the demand had steadily begun to go down and that the requirements of the railways could not be maintained at the rate at which even the Railways had antici-

pated their requirements would continue to arise and, therefore, the Company failed even to carry on as a company for the manufacture of wagons. Being placed in that position the Government came to the rescue of the Company and, in 1929, they purchased the workshops of the Company

Mr. B. Das (Orissa Division . Non-Muhammadan) . Only to shut it down

The Honourable Sir Muhammad Zafrullah Khan : I wish the Honourable Member would hear me out, and then, if he thinks that I am omitting any essential point, he can supply it. In 1929, the Railway Department purchased these workshops and they proceeded to utilize them for the manufacture of underframes. In 1932, the Railway Department were compelled to shut down the workshops which they had purchased from the Peninsular Locomotive Company for want of requirements even of underframes. That is the history of the one attempt in which both private enterprise and, subsequently, Government assistance took part in order to encourage the manufacture of locomotives in this country.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair]

That, Sir, will illustrate the difficulties with which the industry has to contend. The next stage was that the Railway Board themselves undertook an examination of the question. They found that in order to be able to manufacture locomotives on an economic basis in this country there must be a demand for at least 200 locomotives per annum. That demand has not existed at any time but the Board did not surrender the attempt to find out whether a start could be made for the manufacture of locomotives in this country because there was not a sufficient demand to set up a fully equipped locomotive manufactory in the country. They took up the question again in 1931 and they found that the likelihood of there being the normal demand required for a locomotive factory was still less in 1931 than it was in 1925. Nevertheless, they went into the question on the basis of a demand for 50 to 60 locomotives per year. They found that in order to begin with they could possibly run a factory which could subsequently be enlarged on the basis of a demand from 50 to 60 locomotives per year, and they went into the question of estimates. The first question naturally that confronted them was whether the factory should be established in connection with one of the existing workshops or it should be a new factory altogether. They looked into the question whether they could utilise the Tatanagar factory which they had taken over from the Peninsular Locomotive Company for the purpose of the manufacture of locomotives, but they discovered that the factory was not suited for the purpose at all and that it would involve very heavy cost in order to adapt it for the manufacture of locomotives. There were no adequate lifting facilities, the columns and the crane runways were not strong enough and other structural alterations and additions to the machinery would be required ; and, therefore, they were forced to consider the question of an entirely new workshop for the manufacture of locomotives. Their estimate eventually was,—without going into details,—that assuming a constant demand of from 50 to 60 locomotives per year of standard types and also assuming that steel castings would have to be purchased and that iron castings and forgings could be supplied in India, the minimum estimate would be

[Sir Muhammad Zafrullah Khan.]

from 70 to 80 lakhs to start with. In the meantime, another factor that had developed was that the price of locomotives manufactured in Britain and in foreign countries had been going down rapidly and that made the proposal still more uneconomical than it had been previously. Having arrived at that stage and having found that it would not be economic to set up a factory to manufacture locomotives, mainly on the ground that a continuous and steady demand could not be guaranteed and also that apart from the capital cost the working costs would be too high, they, even at this stage, did not altogether abandon the attempt to make a beginning of what might eventually develop into a locomotive industry in India. They then turned their attention to the question whether it was not possible to start with a boiler factory in which locomotive boilers could be manufactured, in the hope that if that factory could be established upon an economic basis it might eventually develop into a factory for the manufacture of locomotives. With regard to this matter again they went into detailed figures and estimates and eventually they arrived at the conclusion that the cost of a boiler which could be purchased in a foreign country for Rs. 20,500 would in India at the very minimum be Rs. 23,800 ; that is to say, nearly 16 per cent higher than the price of a foreign boiler.

Pandit Nilakantha Das (Orissa Division · Non-Muhammadan) .
What is the reason for that ?

The Honourable Sir Muhammad Zafrullah Khan : I will give the reason. And even there it could not be guaranteed that the demand would be steady. The question is asked, what is the reason ? Some of the reasons are these. The House has already been told by the Honourable the Mover of this Resolution that the Board that was set up in 1924 estimated that even for the manufacture of locomotives 50 per cent. of the material must be imported. I will add for the information of the House that in the case of boilers 95 per cent. of the material must be imported. That is one reason for the higher cost that would result from manufacturing in India than elsewhere. Another reason is this that no doubt it has been said that labour could be obtained from various railway workshops but to begin with, in the earlier years certainly till the industry became well established, the overhead charges would be very high. We would have to import,—I am not putting that forward as an objection but merely as an explanation of the high cost to begin with,—we would have to import a considerable number of highly skilled mechanics and engineers at covenanted rates for a certain number of years in order to set up a boiler factory ; and all these considerations would certainly add to the cost. But that alone really would not have altogether defeated the project. We come back to the main question as to the requirements that are likely to arise both with regard to locomotives as well as with regard to boilers, let us say, during the next 10 or 15 years ; and here the difficulty is this. Reference has already been made, during the course of the debate, to the existing facilities at Ajmere, that at Ajmere a certain number of metre-gauge locomotives are being manufactured at the present moment, or rather perhaps I should use the expression “are being assembled” because the Ajmere workshops are mainly repair workshops and all that really happens is that the greater part of these locomotive parts have to be imported in a finished or semi-

finished condition and the assembling takes place in the Ajmere workshops. It has been said that in 1934 the position of the Financial Commissioner was that the Ajmere workshops were not doing too badly. They were just able to do this assembling at a cost which was not uneconomic. Since then, I am perfectly certain Honourable Members will be sorry to hear, conditions have still further worsened, and owing to various factors the Agent of the B. B. and C. I. Railway is anxiously considering the question whether as a part of the system of his railway it is a commercial proposition to continue to run these Ajmere workshops so far as they are concerned with the assembling of locomotives; and one of the matters which causes him reluctance is,—and it is a matter which requires anxious thought,—that it would throw out of work over a thousand Indian workmen which would be both uneconomic at the moment having regard to possible claims for compensation and so on, and also would cause considerable economic distress in Ajmere where a very large section of the population depend upon their obtaining work in the railway workshops.

Pandit Nilakantha Das : And no skilled labour has developed in the meantime so that we may utilise them ?

The Honourable Sir Muhammad Zafrullah Khan : This labour which would be thrown out of work would be skilled labour.

Pandit Nilakantha Das : Then why did the Honourable Member say we would have to import foreign skilled labour ?

The Honourable Sir Muhammad Zafrullah Khan : I did not say skilled labour. I referred to mechanics and engineers, not so much mechanics as engineers.

Now, Sir, as I said, the difficulty was with regard to the demand and the continuity of the demand. Here certain factors have already been alluded to, and those factors, if I might sum up are these. In the first place, a great deal has been done with regard to the efficiency and the quickness of repairs effected in railway workshops, which means that out of the locomotives that are available, a much larger number can now be put on the running lines than it was possible when repairs took a much longer time and were not quite so efficient. The second factor is that having regard to greater technical knowledge, a great deal more work is being taken out of each locomotive than before. That again reduces the number of locomotives that are required. Thirdly, as Honourable Members are aware,—as a matter of fact, one Honourable Member made a complaint that it is not being pushed forward rapidly,—there has been on certain systems a certain amount of electrification since the question of setting up a manufactory of locomotives was taken into consideration. That has made available for use on ordinary lines a certain number of locomotives that were then being used on lines which have since been electrified. So that the present position is that the Railways have at the present moment between 400 and 500 surplus locomotives, in addition, experiments are being tried on certain sections of the North Western Railway with Diesel engines, and those experiments lead one to think that it would be very economical under certain conditions to introduce Diesel engines in place of the ordinary steam engines.

Mr. S. Satyamurti : And you can go on importing them ?

The Honourable Sir Muhammad Zafrullah Khan : That brings me to the consideration which was put forward by the Honourable the Mover. He said :

“ My Resolution does not confine you to set up a factory for the manufacture of ordinary steam locomotives, my motion is that Government should consider the whole question and set up a works which will be able to manufacture all types of locomotives that might be required, Diesel engines, electric engines or ordinary steam locomotives . . . ”

Pandit Wakantha Das : What about technical skill ?

The Honourable Sir Muhammad Zafrullah Khan : By this time the House will realise

Mr. S. Satyamurti : They can do nothing.

The Honourable Sir Muhammad Zafrullah Khan : With regard to electrification, progress is being made in certain directions. It is possible, it is even probable, that it will be pushed forward, especially as the hydro-electric resources of the country continue to be developed

Mr. M. Asaf Ali (Delhi General) . Electrification of what ?

The Honourable Sir Muhammad Zafrullah Khan : Electrification of railway lines.

Mr. S. Satyamurti : By importing railway engines ?

The Honourable Sir Muhammad Zafrullah Khan : Even with regard to Diesel engines, we are in an experimental stage. And what is the charge that the Honourable Member brings against the Government ? The charge is, why are you not in a position today to estimate exactly to what extent you will require electric locomotives, to what extent you will require Diesel engines, and to what extent you will require steam locomotives, so that, on the basis of that, you can set up a sort of combined works for the manufacture of all these different kinds of locomotives. I would, with due respect to the Honourable the Mover, submit that it is impossible, with the material that is at our disposal, with any reasonable certainty, to make any estimate of the different types of locomotives that would be required during the next ten years.

Mr. S. Satyamurti : Therefore, do nothing.

The Honourable Sir Muhammad Zafrullah Khan : But one thing is certain, and that is that the requirements with regard to steam locomotives will be considerably less than what even the Railway Board had been led to imagine a few years ago. My learned friend interjected by saying, because you cannot estimate these requirements therefore do nothing. I hope I have given sufficient material to the House, even though I have given it in outline, to show that the question is being constantly studied

Mr. S. Satyamurti : God help us !

The Honourable Sir Muhammad Zafrullah Khan : And as soon as Government are in a position to be able to make a fairly definite estimate,

Mr. S. Satyamurti : Wait till the Greek kalends !

The Honourable Sir Muhammad Zafrullah Khan :... they will be able to arrive at some definite conclusion with regard to this matter.

Mr. S. Satyamurti : You will never make up your mind.

The Honourable Sir Muhammad Zafrullah Khan : There is one aspect of the matter to which my Honourable Colleague, the Finance Member, has already made reference, and to which I must also draw particular attention ...

Mr. S. Satyamurti : Of course !

The Honourable Sir Muhammad Zafrullah Khan : And it is this. This Resolution requires Government to equip their railway workshops with necessary additional plant and machinery to ensure manufacture of all locomotive requirements. Now, Sir, the Railways, subject to the principle to which I have already given expression with regard to the purchase of stores, are not in charge, as a department, of the economics of the country. What I mean is, Railways are being run on commercial principles, and surely it is not right for Honourable Members to expect that if the Railway Department as a department on such material as is available to them have come to the conclusion that it would not be an economic proposition to set up these works which, as I have said, on a very modest scale, and even then depending upon foreign material, must cost at least, to begin with, 80 lakhs, they should undertake this project ; unless the Railways are certain that there would be an adequate and commensurate return, within a certain number of years upon their capital outlay, it is no use starting a works of this nature. As I have said, the Railways are not charged as a department with providing work for the unemployed, nor are they charged as a department for carrying out experiments in which without regard to cost, as has been urged by some Honourable Members, Government should try to help either the unemployed of this country or the industries of this country.

Mr. S. Satyamurti : Whose business is it ?

The Honourable Sir Muhammad Zafrullah Khan : It is the business of the Government, and wherever that is possible, Government is doing it. As I have said, subject to this principle that ultimately the project should be a commercial project yielding a certain percentage of revenue, the Railways would be willing

Mr. S. Satyamurti : They are not paying now they are insolvents, why not wind up your department ?

The Honourable Sir Muhammad Zafrullah Khan : Another subject to which I must draw the attention of Honourable Members is this, that in a short time,—I cannot define it more precisely,—but I think during the course of the next two or three years the Railways will be placed under the management of a Federal Railway Authority ...

Mr. S. Satyamurti : That will be the funeral of the Railways.

The Honourable Sir Muhammad Zafrullah Khan : And it is the concern of the Government to hand over the railway system of India to the Federal Railway Authority in a condition not too much hampered or burdened by experiments of the kind that have been suggested on the floor of the House this afternoon

Dr. Bhagavan Das (Cities of the United Provinces : Non-Muhamadan Urban) : On a point of information, Sir. The Honourable Member will please pardon my ignorance. I understood him to say that, in order to make the existing workshops useful, 80 lakhs more would have to be spent. I would like to know if the eight crores, that have already been spent, are serving any useful purpose now. How is that plant being utilised ?

The Honourable Sir Muhammad Zafrullah Khan : I did not say that. I am sorry I have been misunderstood. I did not say that, in order to convert the Tatanagar Workshops, 80 lakhs of rupees would be required. I thought I had made it clear, that the Board had come to the conclusion that it would be very expensive and entirely uneconomic to convert the Tatanagar Workshops, but that a new workshop for the purpose of manufacturing locomotives would cost 80 lakhs. That is my reply to the first part of the question put by my friend. With regard to the second part, the eight crores spent on the present workshops is serving the purpose for which it has been spent. The workshops were set up for certain definite purposes, and those purposes are being fulfilled. The object of this Resolution is that steps should be taken to equip the State Railway Workshops with necessary additional plant and machinery, and I have given estimates which the Board have been able to prepare for that definite purpose.

I shall not attempt to answer at this stage the charges that have been levelled freely during the course of this debate at the motives of Government as well as individual Members thereof. I was extremely sorry to hear that the view of the opposite side is that Members of Government on this side, whether Indian or English, were dishonest tools of Whitehall. Sir, having come to the conclusion on such material as has been available, that the setting up of any such works would be not only uneconomical, but, in the present condition of demand for locomotives, would probably lead to the works having to be abandoned altogether within a certain number of years, I would certainly be dishonest in the discharge of my duty if merely for the sake of propitiating certain views I gave my support to any proposal which was likely to place the Railways in an unenviable position. That is my position with regard to this Resolution. (Applause.)

Mr. S. Satyamurti : You oppose it ?

The Honourable Sir Muhammad Zafrullah Khan : Yes.

Mr. Sami Vencatachelam Chetty : I am not much surprised at the turn that the debate has taken excepting for the very unfortunate heat that has been imported into this debate by the Honourable the Finance Member. The only contribution of the Honourable the Finance Member to the Indian public and the Government of India seems to be to butt in in any motion, whether it concerns his department or not, and have a fling at his pet aversion, the Indian industries. I dare say that in the speeches which he has delivered in public and in the Assembly there has not been a single occasion on which he did not throw a fling or two at the Indian industries and the necessity for the encouragement of those industries. But I have no quarrel with the view that he has taken. We all know where he stands and we are determined to fight his view. But apart from that, he has charged me with having made mis-statements.

From the manner in which he has charged me, but for parliamentary etiquette, he would have merely stated that I was lying. I desire to return that compliment to the Honourable the Finance Member by reading from the corrected version of the proceedings of the Legislative Assembly of the year 1927. Mr. K. C. Neogy, speaking on the general discussion of the Railway Budget, made these following statements. I know the Honourable the Finance Member is in a hurry to say that Mr. Neogy is not the Hansard of Parliament. I shall come to that later. This is what Mr. Neogy said.....

Mr. B. Das : Mr. Neogy is an authority on railways.

Mr. Sami Vencatachelam Chetty :

".....when Sir Charles Innes took charge of this portfolio, and the first attempt which he made to put the railways on a proper basis was to get this House—rather the predecessor of this House—to agree to a programme of rehabilitation to the extent of 150 crores of rupees. That was in 1922. That was followed by a legislative measure (with which the Honourable the Finance Member is personally familiar) in the House of Commons, the East India Loans Bill, and we find that, when this Bill was under discussion, also on previous occasions, the Members of the House of Commons brought a good deal of pressure to bear on the Government, and asked them to see their way to expedite the railway programme in India. They said, 'Here is the report of the Acworth Committee recommending expansion of the Railways. What are you doing?' There is unemployment in this land (referring to England). Members of Parliament pressed the Government of India to give effect to the policy of expansion of the Railways as recommended by the Acworth Committee. One Honourable Member of the House of Commons put it like this. 'Employment might then be found for the people there (that is to say India) and that employment might again percolate in this country through the supply to India of engines and other things they are in need of.'"

Mr. Neogy then went on :

"Sir, it is impossible for any one to go through the proceedings of the House of Commons in those days and not to be struck by the insistence with which this question was brought up time after time. One Member, whose ire was roused by the fact (I dare say must have been the counterpart of the Honourable the Finance Member) that some small contract had been placed in Germany, raised a hue and cry, and suggested that the East India Loans Act itself should be amended in order to make this impossible in future. Sir, in April, 1922, we find no less a person than the Under Secretary of State for India making this statement :

'To those of my Honourable Friends—',

The statement which I am reading is the statement of the Under Secretary of State for India which I have read out in the speech in which I moved this Resolution, and which was considered to be a mis-statement of fact....

The Honourable Sir James Grigg : May I rise to a personal explanation.....

Mr. Sami Vencatachelam Chetty : I shall not yield. He has refused when I wanted to rise.

The Honourable Sir James Grigg : But on a personal explanation I did give way.

Mr. Sami Vencatachelam Chetty : Very well.

The Honourable Sir James Grigg : I never accused the Honourable Member of any mis-statement of the quotation. What I did accuse him of—and I would do the same in the case of Mr. Neogy—was

[Sir James Grigg.]

the drawing of wrong inferences from the question about facts which I was in a position to know and they were not

Mr. Sami Vencatachelam Chetty : I did anticipate that the Honourable Member would not consider Mr. Neogy accurate enough, and, therefore, I am going to quote Sir Charles Innes's admission that Mr. Neogy was right in saying that. Then it is needless for me to read the statement of the Under Secretary of State for India. With regard to the point that Mr. Neogy may be inaccurate, I may read to you this which by implication admits that Mr. Neogy's statement is correct. These are the words of Sir Charles Innes.

“ And let me tell Mr. Neogy, since he has been reading the House of Commons debates to the House, that I myself was taxed at the Imperial Economic Conference ”

The Honourable Sir James Grigg : That is not inconsistent with what I said.

Mr Sami Vencatachelam Chetty : Then there is no difference of opinion happily. (Laughter.)

The Honourable Sir James Grigg : If the Honourable Member wants me to repeat what I said, it was that the whole discussion in the English House of Commons and at the Imperial Economic Conference—I was actually present at the meeting at which Sir Charles Innes was tackled—was the question whether, if they had got orders to place in Europe they should place them in England in preference to the continent. That is what I said, and the insinuation of the Honourable Member was that the pressure put upon Sir Charles Innes was to place orders in England rather than in India. That is not so.

Mr. Sami Vencatachelam Chetty : There is no insinuation. There is an open claim made in the Parliament that the East India Loans Act must be amended in order to place orders.....

The Honourable Sir James Grigg : It was not accepted.

Mr. Sami Vencatachelam Chetty : It might not have been accepted, but that shows the way the wind was blowing. When the Under Secretary of State said, “ I am thoroughly alive to the issue and appreciate the claims made by Honourable Members on account of their constituents ”, does the Honourable the Finance Member mean that he is greater than the Under Secretary of State ? I do not believe it. I have been charged with stirring up bad blood. If anything is far distant from my idea and object it is this. It is exactly to avoid stirring up bad blood by killing indigenous industries and encouraging foreign industries that we want this Resolution to be carried. It is the consistent, insistent and persistent speech of the Honourable the Finance Member, always discouraging the encouragement of Indian industries and also interfering in the portfolios of other Government Members and pre-judging the case, that is stirring up bad blood unnecessarily.

Coming to the Honourable the Commerce Member, I have not much quarrel with him. He is a new gentleman.....

The Honourable Sir Muhammad Zafrullah Khan : I have always been a gentleman.

Mr. Sami Vencatachelam Chetty : I never meant it. I only meant that he is a new Member of this House.

The Honourable Sir Muhammad Zafrullah Khan : Not that either. I have been a Member before

Mr. Sami Vencatachelam Chetty : As a new Member of Government.

The Honourable Sir Muhammad Zafrullah Khan : I am not even a new Member of Government. I was a Member three years ago.

Mr. Sami Vencatachelam Chetty : I am very inaccurate in these small and minor matters. However, it does not matter. But I do not quarrel with him so far as he has represented the Government case. But the whole trouble is this. In 1921 the Government made a promise that they would equip their railway workshops.....

The Honourable Sir Muhammad Zafrullah Khan : No. That was never said. All that was said was that tenders for the purchase of locomotives would be placed in India. They did not say that they would equip their workshops

Mr. Sami Vencatachelam Chetty : For what purpose ?

The Honourable Sir Muhammad Zafrullah Khan : They thought that the Peninsular Locomotive Company was going to manufacture locomotives in India.

Mr. Sami Vencatachelam Chetty : Therefore, they intended at one time to encourage the manufacture of locomotives in this country. So their policy must have been to go along with that policy until they found that it was thoroughly uneconomical by actually putting into practice the policy which they have professed, but they do nothing of the sort. In 1921 they issued a communiqué. At every budget discussion the matter is being raised by one Honourable Member or other on this side of the House and every time the Railway Board used to promise that the matter is being looked into. Is that an honest way of dealing with things. If they were really convinced that it was thoroughly uneconomical and that it was not in the interests either of the Railways or of Indian labour and Indian prosperity, it was quite open to them to say so and make it clear that it is impossible to carry out the policy which they at one time thought feasible. They did not do so from 1921 to 1934. They kept quiet. In 1934 again a hue and cry is raised against the policy of the Government and the Commerce Member said on that occasion that he was examining the subject and that his conclusion would be published within a few months. By that time I dare say the Honourable the Commerce Member knew the reply that he would have had to give on account of other considerations, namely, to stop the policy of manufacture of locomotives and engines but he did not say so. Even in the Railway Finance Standing Committee we were told that the matter is being examined and it is now stated that it is practically impossible to do so. Well, Sir, we are not willing to take that statement merely because the Government has said so. Let us have the opportunities of examining the data upon which they have come to this conclusion.

The Honourable Sir Muhammad Zafrullah Khan : You are welcome to do so

Mr. Sami Vencatachelam Chetty : Give us this opportunity and if you had given us this opportunity before this motion was tabled and convinced us that the case of the Government was sound, we would not have tabled this motion. But you keep everything in the dark. At least you are afraid to publish these things, lest they should be critically examined and the case of the Government exposed. Now, Sir, I do not want to weary either the Honourable the Commerce Member or this House by quoting examples of countries, having a smaller demand for locomotives, having their own workshops. The Honourable the Commerce Member himself must be apprised of that information as to how other countries are getting their supplies fulfilled. Is it suggested that India alone should be the country which should depend upon foreign supplies, when every other country, whatever its requirements, can have its own workshops. If so, it is only a credulous public that can accept this statement, without critically examining the basis upon which it is made. The Honourable the Finance Member, I am afraid, has attempted to kill two birds with one stone. He not only prejudiced the case for the railway workshops being equipped for the construction of locomotive engines but also referred to Indian industries generally. He has laid down a policy today, that he is not going to accept any proposition for taking up and encouraging any industry which will not produce articles at a price which can compete with imported articles. I suppose that was what he said. That is the proposition which he should bring forward when a suitable opportunity arises and then it will be time enough for us to discuss that in detail. It will be unjust on the part of the Honourable the Finance Member to give expression to such *ipse dixits*, knowing as he does the views of this Assembly and I hope that this Assembly will take an early opportunity to contradict the *ipse dixits* of the Honourable the Finance Member.

Mr. President (The Honourable Sir Abdur Rahim) . The question is :

“ That this Assembly recommends to the Governor General in Council that immediate steps be taken to equip State Railway Workshops with necessary additional plant and machinery to ensure manufacture of all locomotive requirements within the Railway Workshops.”

The Assembly divided :

AYES—65.

Aaron, Mr. Samuel.
Abdul Matin Chaudhury, Mr.
Abdullah, Mr. H. M.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Bajoria, Babu Baijnath.
Banerjee, Dr. P. N.
Baqui, Mr. M. A.
Bardaloi, Srijut N. C.
Bhagavan Das, Dr.
Chattopadhyaya, Mr. Amarendra Nath.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.

Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Essak Sart, Mr. H. A. Sathar H
Fazl-i-Haq Piracha, Khan Sahib Shaikh
Gadgil, Mr. N. V.
Gauba, Mr. K. L.
Ghulam Bhik Nairang, Syed
Giri, Mr. V. V.
Govind Das, Seth
Gupta, Mr. Ghansham Singh.
Hosmani, Mr. S. K.
Jodha, Mr. K. M.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Khan Sahib, Dr
Khare, Dr. N. B.
Lalchand Navalrai, Mr.
Maitra, Pandit Lakshmi Kanta.

WORKSHOPS.

AYES—*contd.*

Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Muhammad Nauman, Mr.
Murtuza Sahib Bahadur, Maulvi Syed.
Nageswara Rao, Mr. K.
Pant, Pandit Govind Ballabh.
Parma Nand, Bhai.
Raghbir Narayana Singh, Choudhri.
Rajan, Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Suksena, Mr. Nohan Lal.
Sant Singh, Sardar.

Satyamurti, Mr. S.
Sham Lal, Mr.
Shaukat Ali, Maulana.
Sheodass Daga, Seth.
Siddique Ali Khan, Khan Sahib Nawab.
Singh, Mr. Ram Narayan.
Sinha, Mr. Anugrah Narayan.
Sinha, Mr. Satya Narayan.
Sinha, Mr. Shri Krishna.
Som, Mr. Suryya Kumar.
Sri Prakasa, Mr.
Umar Ali Shah, Mr.
Varma, Mr. B. B.
Vissanji, Mr. Mathuradas.

NOES—45.

Abdul Aziz, Khan Bahadur Mian.
Acheron, Mr. J. G.
Ahmad Nawaz Khan, Major Nawab.
Ayyar, Diwan Bahadur R. V. Krishna.
Ayyar, Rao Bahadur A. A. Venkatarama.
Bajpai, Sir Girja Shankar.
Bhat, Mr. Madhusudan Damodar.
Blackwell, Mr. J. H.
Bower, Mr. E. H. M.
Chapman-Mortimer, Mr. T.
Chatarji, Mr. J. M.
Clow, Mr. A. G.
Croik, The Honourable Sir Henry.
Dakil, Dr. R. D.
Desai, Mr. S. P.
DeSouza, Dr. F. X.
Gajapatiraj, Maharaj Kumar Vijaya Ananda.
Ghuznavi, Sir Abdul Halim.
Graham, Sir Lancelot.
Griffiths, Mr. P. J.
Grigg, The Honourable Sir James.
Hands, Mr. A. S.
Hockenhull, Mr. F. W.
James, Mr. F. E.

Lal Chand, Captain Rao Bahadur Chaudhri.
Leach, Mr. F. B.
Lee, Mr. D. J. N.
Lister, Mr. T.
Lloyd, Mr. A. H.
MacLachlan, Mr. D.
Milligan, Mr. J. A.
Mitchell, The Honourable Mr. D. G.
Morgan, Mr. G.
Mukherjee, Rai Bahadur Sir Satya Choran.
Owen, Mr. L.
Rajah, Rao Bahadur M. C.
Rau, Mr. P. R.
Row, Mr. K. Sanjiva.
Sarma, Mr. R. S.
Scott, Mr. J. Ramsay.
Sher Muhammad Khan, Captain Sardar.
Singh, Mr. Pradyumna Prashad.
Sircar, The Honourable Sir Nripendra.
Tottenham, Mr. G. R. F.
Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

At this stage Mr. N. M. Joshi rose to his feet to move his Resolution.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. The Chair cannot allow any more Resolutions to be moved today, as there is no time left. Dr. Khan Sahib.

MOTION FOR ADJOURNMENT.

BOMBING OF WOMEN AND CHILDREN IN THE TRANS-FRONTIER VILLAGES
BY THE INDIAN ARMY (AIR FORCE).

Dr. Khan Sahib (North-West Frontier Province : General) : Sir,
4 P.M. I move :

“ That the House do now adjourn.”

Sir, I am going to speak on this motion and to lay before the House all the facts which are in my possession. It is for the House to condemn

[Dr. Khan Sahib.]

or justify the action of this so-called civilized Government. As for myself, I am convinced that the whole system is immoral. It is based on discrimination and exploitation which leads to indignation and ultimately brings about its own destruction. I am sure that the treatment which this Government are meting out to the Frontier tribesmen today is enough to bring about its end in the very near future. To say that I can lay before the House the exact number of women and children killed, buffaloes, cows and goats destroyed, houses of the poor Pathans (and by house you should understand the mud hut in which they live) destroyed, will be not true and I will be deviating from the course I take and will be adopting the methods of a false propagandist which is not my creed. Sir, on the 19th of August, above the Ganderb valley, aeroplanes began bombing the houses of the trans-Frontier tribesmen. As for giving them notice, the first notice which I saw personally in the Peshawar press was published on the 22nd of August. You hear again and again Government declaring in their communiqués that they warn the people to get out of their houses, but I can assure you that the first warning they get is the first bomb which is dropped on them by the aeroplanes. What I say is an absolute fact. As soon as this warning is dropped on them which may cost them some lives, some of them do clear out of their houses, but others stay, and this will be appreciated by those who know the Pathan mentality, they hate to leave their houses, because all that they possess is round about them in their houses, and they would rather like to be buried in them than leave them. So they remain in their houses, and this barbarous action of the Government does not frighten them. They prefer death in their own houses like brave people, and let me ask you where can they go? Everyone has not got even a mud hut there. Anyhow, they have got to face the destruction and why should they not face it in their own houses. In this connection, let me tell you that when the German aeroplanes were flying over London and though they had given assurance that they will never bomb the civil population, an awful panic was caused among the people there, and as they rushed out for safety, I remember that on one occasion at the Liverpool underground tube station nine people were crushed to death. So, you could imagine the feeling of the people here when bombs are dropped when the mere appearance of aeroplanes over London creates such panic though their anti-aircraft guns were firing for their defence. Also there were some aeroplanes in London which went up to fight for their defence. But what is the case here? They have no anti-aircraft guns and you can drop bombs on them without any fear and without taking much risk. Besides, the aeroplanes fly so high that they cannot be hit and are out of the range of the ordinary rifle. I will tell you how indiscriminately they drop bombs. They dropped one bomb on a *Qafla* beyond Matta, which is not very far from this scene of action and had damaged many people. In one case they dropped a bomb on one of their own informers who was killed and you will never know anything about that man because his life was only worth eight annas. The only thing that some people might know will be that his dependants will be condemned both by the Government and the people of that part. Then, there is another thing I would like to tell you. On the 26th of August they dropped a bomb at a place which is very close to a piece of my land. Luckily the bomb dropped into a muddy ground and did not do any

damage. So, you can see how this bombing is going on. All these aeroplanes pass over my village when they go for bombing purposes and I know how many of them go at night and how many during the day. Now, Sir, I want to bring to the notice of the House the real facts why these conditions are created. I will just read out to the House a communiqué of the Government and then I will explain it because it is very deceptive. The communiqué reads thus :

"About 21st July a lashkar of Upper Mohmands under Ghulam Nabi, son of the late Chaknaur Mullah, crossed the border into Gandab and attacked the Halimzais Mohmands. The latter assisted by detachments from the Musa Khel and Tarakzais succeeded after heavy fighting in driving the hostile lashkar across the border inflicting casualties which are reported to have numbered about 20. Gandab is now clear of hostile lashkars and the situation is at present quiet. It is unlikely however that Ghulam Nabi will accept this defeat and further attacks on the Halimzais are feared. It has therefore been decided to send a column into the Gandab valley to assist the Halimzais and in connection with this move to construct a track fit to carry M. T. from administered territory into Gandab. There is no intention of keeping troops permanently in the Gandab valley and they will be withdrawn as soon as conditions return to normal. It is hoped that its presence will have the effect of deterring the upper Mohmands from further incursions into Gandab and will also have a steadying effect on the tribesmen in Bajaur where Government have demanded the surrender of three agitators who have recently been attempting to disturb the peace of the country."

Now, Sir, all these tribes are not in the British territory. When they have trouble amongst themselves, what right the Government have to interfere with them. There is a man who was unknown. He is a Halimzai. The Government took him into their hands and gave him money. They made him a big Malik and provided him with service rifles and encouraged him to fight the tribesmen. I hope the Foreign Secretary who comes from Peshawar knows the man. Although in all probability he will not like to mention his name. I think he will realise in his own heart that what I am saying is true. Sir, this road was made. What for ? Did these people go and attack British territory ? That, you are not told. Why all this false propaganda of the tribes disturbing the British area ? They never do so. In every case of disturbance, it is the Government that take the first step. The Government destroy their homes, they interfere with their internal affairs. Sir, suppose a man goes into your house and takes away some things from your house. If you have got any power to kick him out, do you think you will keep quiet ? That is the whole question. The point is that Government are always making inroads into their territory without any provocation on the part of the tribes. The Government provoke these tribesmen and then they create trouble. There is another point which I have already referred to and which you should remember, that is, that the interpreters between these tribesmen and the British Government are corrupt. (Hear, hear.) It is these interpreters that create the trouble for economic purposes. They want to make money by creating this mischief. I may tell you, Sir, that every Political Officer knows this, but he has not the courage to confess this. (Shame, shame.) I suppose his political position does not allow him to tell the truth. Sir, I know personally some of these Assistant Political Officers who make money on these occasions. I may tell you that some of the British officers are afraid of these Political Agents.

Now, Sir, coming to the road that was made, may I ask, Sir, what was the idea in making a road ? The people on the Frontier are left to wonder what is the idea of the British in making these roads. The

[Dr. Khan Sahib.]

people on the Frontier think that the British are going to extend this road to *Nawagai* and from there straight off to *Khar*, *Munda* and *Barwa* connecting it with *Chakdara*, *Chitral* road. It is for that purpose that the Government are creating this situation. If so, why not be straight-forward and say so, why make the poor people fight for nothing. Why not have an honest person as an Agent and why not have an honest understanding?

The Honourable Mr. Nripendra Sircar (Leader of the House) : I rise to a point of order. The adjournment motion refers to a specific matter, that is to discuss the matter of the bombing of women and children on the Frontier. But the Honourable Member now seeks to discuss the whole policy of Government in the Frontier.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair understands the Honourable Member does not want to go into the general Frontier policy and that he was saying that this bombing has taken place in pursuance of a certain plan of the Government.

Dr. Khan Sahib : I am going into the whole affair with a view to giving the House the correct information as to how this bombing is brought about (Hear, hear). I want to tell the House as to what is at the bottom of this whole affair, as to what is the real cause of all this trouble. I submit, Sir, that unless you know the real cause, you cannot pass judgment on the effect. Unless the real cause is known, the House cannot decide whether the action of the Government is right or wrong.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member has only one minute more left. The time limit is fixed at 15 minutes.

Dr. Khan Sahib : I have got much to say, and I hope you will give me a few minutes more.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must finish within his time limit.

Dr. Khan Sahib : Then, Sir, I move that the House do now adjourn.

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :
“ That the House do now adjourn ”

Mr. G. B. F. Tottenham (Army Secretary) : Sir, in dealing with this motion on behalf of the military authorities, I may say at once that, if the Royal Air Force were bombing innocent women and children on the Frontier, both they, that is the Royal Air Force, and I would agree with the Honourable Member who seeks to condemn that action. But, Sir, the Royal Air Force do not bomb women and children on the Frontier. Incidentally I may point out—and the Honourable Member should have known it himself—that they are not at present engaged in bombing trans-Frontier tribes. Their action is being taken against certain definite hostile sections of the tribes in that area which lies between the administered border of the North-West Frontier Province and the Durand line, which is the Frontier of India, and not beyond the Frontier of India. Now, Sir, it is not for me, even if I had the time, to describe the situation that has led up to the present operations or to defend the policy of Government in ordering these operations. That is an aspect of the case which can be dealt with more fitly and far better by my Honourable friend, the

Foreign Secretary, who I hope will speak later. I am only concerned with the action taken by the defence forces, that is to say, in this particular case by the Royal Air Force, in implementing the policy of the Government of India ; and I must confine myself strictly to that topic. Now, Sir, it is sufficient in order to explain that action to say that certain definite and repeated acts of aggression have wantonly been perpetrated against the Gandab road, in the lower Mohmand area, in defiance of the agreement which was made with the tribes when that road was built just two years ago ; and Government have decided that military operations are necessary in order to disperse those lashkars, to protect the road and to restore law and order. I must ask the House to take it from me that no Government could tolerate the existence of such a state of affairs without taking some action of some kind. Well, Sir, that decision having been taken, the question was what action should be taken. We now have at our disposal both the Army and the Royal Air Force. There are Honourable Members opposite who have urged us from time to time to increase the strength of our Air Force.

An Honourable Member : But not to murder people.

Mr. G. R. F. Tottenham : They would, therefore, probably agree that we are fully justified in using that Air Force, provided that we do so in the proper manner. Now, Sir, the great advantage that the tribesmen have always possessed in the past in the mountainous and remote regions that they inhabit is the advantage of inaccessibility ; and the great advantage that the air arm has given to us is that it enables us to annihilate distance and so to bring it home to the tribes that their inaccessibility is, or is becoming, a thing of the past. In suitable circumstances and with proper precautions and safeguards, the Air Force can be of inestimable value. It can save time, it can save money and it can be more humane in that it causes a smaller number of casualties both amongst our own troops and amongst the enemy. Let us now, therefore, consider the conditions in which the Air Force is always used and in which it is being used on the present occasion. I have explained these general principles before, in a debate which took place exactly two years ago today, about the bombing of a village known as Kotkai, but I think the explanation can stand repetition. Well, Sir, in the first place the Air Force can be, and is often, used for the dispersal of hostile bodies in the field. The nature of the country, it is true, makes it comparatively easy for these hostile bodies to take cover, but still effective action can be, and often is, taken against them from the air ; and, as far as I know, no objection has ever been raised to such action. In the second place, air action can be taken to carry the war into the enemy's country and to bomb the areas from which these lashkars have come. But, Sir, if ever, in the process of these operations, a village has to be bombed, it is an invariable practice to give at least 24 hours' notice. These notices are dropped in the village itself from the aeroplane and no bombing takes place until at least 24 hours after the notice has been dropped. There is thus ample time to remove women and children and valuable property from the village, and in practice, we know that the village is generally completely evacuated before the bombing takes place. In the third place, Sir, when it is a question of bombing areas rather than of bombing hostile bodies actually in the field, there is no such thing as indiscriminate bombing to which the Honourable Member opposite referred.

Dr. Bhagavan Das (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, on a point of information, may I ask why, after a village has thus been completely evacuated, it should be necessary to drop bombs on it ?

Mr. G. E. F. Tottenham : If the Honourable Member will kindly let me proceed with my speech, I will endeavour to explain that. I was saying that when it is a question of dropping bombs on an area rather than of bombing of hostile bodies in the field there is no such thing as indiscriminate bombing. Every aeroplane that goes up for the purpose of bombing an area is provided with a map on which the precise target to be aimed at is marked clearly and a photograph is taken of every bomb that is dropped for that purpose in order to see whether that target was hit or not. And that, Sir, provides a very effective check against indiscriminate bombing. Lastly—and I will now meet the Honourable Member's point—it is by no means always necessary or desirable to bomb or destroy houses even in a village that has been completely evacuated. A bomb or two may be dropped in the vicinity of the village merely to warn inhabitants that it is still unsafe for them to return to their habitations and so in course of time, sometimes quickly, and sometimes not so quickly, the discomfort caused and economic pressure does eventually induce surrender without any serious loss of life. Now, Sir, if that form of warfare can be effective—I do not claim that it can be always effective in all circumstances or that it is always suitable—but if in certain circumstances that form of warfare can be effective, then I do maintain that no one can criticise it on the ground of its being inhumane. Any form of warfare which secures the object in view with less loss of life and less expenditure of money must have a great deal to commend it ; and I, Sir, for one cannot comprehend the mentality of those who profess to be horrified at the idea of killing a few of the enemy but seem to pay no attention to loss of life amongst our own Indian and British soldiers, and who see nothing monstrous in the idea of discharging a shell or a bomb from the muzzle of a gun or a howitzer up into the air and thence eventually into a village but who hold up their hands in horror when practically the same bomb is carried by an aeroplane and dropped on precisely the same target.

Now, Sir, to turn to the present operations. In the present operations the Royal Air Force are co-operating with the Army ; they are not carrying out operations on their own. The Army has advanced up the Gandah road and in co-operation with the Royal Air Force they have repelled attacks from these lashkars in the field and have inflicted a certain number of casualties. In the meanwhile, other aeroplanes have proceeded further afield and by the sort of action that I have just described they have been carrying out a blockade of the areas on which the lashkars are based. A few villages have actually been bombed, but in this case more than the usual notice has been given. The bombing notice was actually issued on August 17 and bombing operations did not commence until August 19. Moreover, in some of these villages which have been bombed particular targets have been selected,—the houses of well-known leaders of these hostile bodies. It is possible, I do not deny it, that a few casualties may have been caused in this process, but we have no official information that there have been such casualties, much less that there have been casualties amongst women and children ; and I notice that the Honourable Member who moved this motion had no definite information

on that subject himself. But the point I want to make clear is that, in carrying out blockading operations of this kind, it certainly is not the intention to cause loss of human life. To my mind, as I said before, the great value of the Royal Air Force on the North-West Frontier is that it is gradually depriving the tribesmen of the advantages of inaccessibility. As the realisation of that loss is borne in upon them, so we may hope that the corresponding advantages of accessibility will be realised and that they will begin to wish to exchange a life of adventure and disregard for order for a more orderly existence, that they will begin to ask for proper communications and to follow peaceful pursuits. If the aeroplane could be regarded as the forerunner of the homely motor-bus,—and I am sure that all Honourable Members here will agree with me that there can be nothing more civilising or more civilised than that respectable vehicle,—then I am sure that Honourable Members opposite would not be so ready to criticise action by the Air Force on the Frontier, but instead would learn to welcome it.

Mr. K. L. Gauba (East Central Punjab : Muhammadan) : Sir, I think we can congratulate Dr. Khan Sahib on having found an adjournment motion which can be discussed on the floor of the House. (Laughter) We can equally congratulate the Army Secretary on having boldly come and faced the House instead of seeking the shelter of a Viceregal veto.

The point in justification of the bombing of villages that the Honourable Member, who has just spoken, made was that adequate notice is given to these villages before bombing is resorted to. Now, Sir, I would ask him this thing. If instead of 24 hours' notice, a week's notice were given to London to evacuate before it was bombed, would the bombing of London be justified? After all, is it only a question of notice? If an act is improper and unjustified, according to the canons of international law or the so-called civilised law of my Honourable friend opposite, no amount of notice can make an improper act proper. (Cheers.) Sir, we had a great deal of criticism of the Germans during the war. They were described as barbarians, as Huns, as baby-killers, etc., because they dropped a few bombs on London. I ask, Sir, are these brave persons, who go up in the Royal Air Force machines, these brave persons, who sit in Simla and authorise these acts, are they in a different category from those persons who dropped and authorised bombs on London and Belgium? I ask, what is the difference between the two? Is it the difference of the people and the country on which these bombs were dropped rather than the nature of the persons who dropped those bombs? Not many weeks ago, I was in London walking in Hyde Park on a Sunday afternoon. There was a tub thumper of the British Empire Society who was haranguing an audience on the question of friendship with Germany. He was criticising the Prince of Wales for saying that we should forget the deeds of the War and make friends with the Germans. He said, "How can we make friends with these people? How can we shake hands with these people, who dropped bombs on innocent women and children, who behaved in a barbarous manner during the War; how can we shake hands with them?" There was an Englishman present, not an Indian, and he stood up and said, "But all this is happening in the North-West Frontier of India?" The policy, therefore, Sir, that my learned friend opposite has sought to defend is not a policy that can be defended. The case he has made out in justification of bombing of these villages is a very very poor case. In these villages you had not only mud huts but you have also places of worship.

[Mr. K. L. Gauba.]

Bombs are dropped on these places of worship, and these places of worship are destroyed. What would my learned friend say if a bomb is dropped on St. Pauls? Does it make any difference if bombs are dropped on St. Pauls, or on a mosque or on a temple? You want to have one code for your own acts and another code for the acts of others.

Sir, I will not detain the House any longer. After all, we hope to censure the Government on this question. The Government may or may not take notice of it. It may be consigned to the record of the limbo of the long list of Government defeats, but, any way the civilized world will know that, so far as India is concerned, India is no party to the barbarism of bombing innocent women and children. (Applause.)

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions : Non-Muhammadian Rural) : Sir, from what little I know of the Army Secretary and from what I have heard from my Honourable Colleagues here, I think and I believe, Sir, that he is the most reasonable amongst the officials who adorn the Treasury Benches opposite

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

But I was surprised to hear from him this evening that he thought that the use of bombs was justified if that was used for the purpose of civilizing a tribe that inhabits the North-West Frontier of India. I know, Sir, that during the War, as has been just said by my Honourable Colleague, Mr. Gauba, when bombs were dropped on London, a hue and cry was raised, and soon after the War was over, this question was raised before the League of Nations whether the dropping of bombs on civil population would be justified even in wars. So far as I remember, Sir, the League of Nations decided that the dropping of bombs on civil population was a most unjust and improper thing to do. I also remember, Sir, that His Majesty's Government then and there pleaded for an exception in their favour by saying that they would be justified in the use of bombs so far as the North-West Frontier of India was concerned. What was bad for the White races thus became justified and good for us coloured people. I knew, Sir, then, that the emergency would be created and that His Majesty's Government as well as the Indian Government would always be ready with their bombs so far as the North-West Frontier was concerned. Neither the Army Secretary nor the Honourable the Mover of this motion have taken us into their confidence and told the House what was the underlying motive, what was the cause of this civilizing mission. But this much I can tell the House and the Honourable the Army Secretary, that in the year 1933, I had information from responsible friends that there was going to be a miniature war on the North-West Frontier of India. I am not prepared to name the persons, because it will be a breach of confidence where friends meet they discuss so many things, but I am prepared to place before the Army Secretary, to prove the truth of my assertion, an article which I wrote for my paper the *Abhyudaya* in 1933, in which I said that there was going to be a miniature war in 1934 and 1935. I did not mention the North-West Frontier for I would have been hauled up in the name of Official Secrets Act. I could not then mention all the facts relevant to the raid that is being conducted, but

the printed article is there, and a reference can be made to it, and it will be seen that it referred to nothing else but what is going on today and what has been happening during the past months on the North-West Frontier. I can very well understand the Honourable the Army Secretary pleading and defending the use of bombs and proving it to be as economical as compared to that of the rifle. In this connection I might say that there is a book published in London by, I think, the Daily Telegraph Press, and the title of the book is "Tax Collection by Bombs". It is mentioned there that in Mesopotamia when these friends of ours, who are bent on civilizing the backward races of the world, wanted to realise their dues, they used to drop a notice near the defaulter's hut, giving 12 or 24 hours' notice, and as soon as that hour arrived, the aeroplane would be seen hovering in the sky and it dropped bombs on the huts of the defaulters. It did not care whether the inmates of the house were old people, whether they were women or children, whether they were confined to bed or what their condition was. My friends here, can well realise that when these friends of ours can drop bombs for the realization of a few rupees, they would easily do much more when there is a question of making roads acquiring territory, and expansion of boundary. I am very sorry, Sir, that the Army Secretary, for whom I have a great regard, should, of all the official Members here, have taken upon himself the responsibility of laying down this principle that the dropping of bombs was the only economical and effective measure by which he could civilize the backward tribes of the North-West Frontier. I can only say that we Indians, who have a civilization of our own, can never, never fall in with his views. With these few words, Sir, I support the adjournment motion moved by my Honourable friend, Dr. Khan Sahib.

Major Nawab Ahmad Nawaz Khan (Nominated Non-Official) : I have great regard and respect for my Honourable friend, Dr. Khan Sahib, who comes from the same province as myself and for his sentiment and sympathy for the people of the North-West Frontier Province for which I have the same too. But I am sorry to say that I cannot understand the object of the adjournment motion. If it is for the sake of saving women and children from being bombed, he has not given us any figures, he has not said a word as to how many women or children were killed during the recent bombing. So far as my personal knowledge goes, there has been no such death.

An Honourable Member : How do you know ?

Major Nawab Ahmad Nawaz Khan : If there had been any private information or official communiqué or newspaper reports, I would have understood his point to be right. But I have not heard anything to show that women or children were killed. Secondly, he has not criticised the bombing system, which was discussed a few years ago in this House and it was properly replied to. If the new Members of the House want to acquaint themselves with it, they can see the debates of this House (Simla Session, 1933) and satisfy for themselves.....

Dr. Khan Sahib : On a point of personal explanation, Sir. I have said distinctly that women and children were killed, buffaloes, cows and goats were killed, houses were destroyed, but I could not give the exact number.

An Honourable Member : The Army Secretary has admitted the fact.

Major Nawab Ahmad Nawaz Khan : Let me take it for the sake of argument. But Dr. Khan Sahib has no personal knowledge ; he was simply informed by some irresponsible people, he himself was not there. We know that even in newspapers sometimes all sorts of lies for propaganda are published.....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : On a point of order, Sir. The Honourable Member has no right to say that newspapers tell all kinds of lies.

Mr. Deputy President (Mr. Akhil Chandra Datta) : I am sure, the Honourable Member will not repeat it.

Major Nawab Ahmad Nawaz Khan : If the Honourable Member wishes to be satisfied by *Kissa Khani Gazette*, he must see the *Khyber Mail*. It is an English paper and not Urdu, and he can read it. Sir, so far as I know there have been no casualties amongst women and children, at all (Interruption.) Has any Member got any extraordinary means of information ?

An Honourable Member : Were you in one of those aeroplanes ?

Major Nawab Ahmad Nawaz Khan : My Honourable friend, Mr. Gauba, has stated that 24 hours' notice or 48 hours' notice is not sufficient, and he has compared those small villages with London, the biggest city in the world.

Mr. K. L. Gauba : On a point of personal explanation. I said time and notice are immaterial.

Major Nawab Ahmad Nawaz Khan : The frontier villages are very small, and generally for the whole day the people are out, and they come back only in the evenings. 24 or 48 hours' notice is quite sufficient to warn people to save themselves, their wives and children and their property. There is one important thing to be remembered. The North-West Frontier Government does not want to bombard the villages. It is only when crimes are committed by the tribesmen that Government are compelled to take strong measures against them. There are two ways of punishing the tribesmen for their crimes, and that is, to send forces either by land or by air.

An Honourable Member : Or by sea.

Major Nawab Ahmad Nawaz Khan : There is no sea fortunately. It is for Madras and Calcutta, and for that purpose the Indian Navy is being trained. I ask this House that if the Frontier Government are compelled to take strong measures against the tribes then what course should they adopt ? There are two courses open, either by bombing or by sending forces by land.

Mr. S. Satyamurti : Why not make peace with them ? What is the difficulty ?

Major Nawab Ahmad Nawaz Khan : We do always try to make peace....

Mr. S. Satyamurti : "We" ? Who are you ? Are you the Government ?

Major Nawab Ahmad Nawaz Khan : When nothing else avails, the last resort is to punish them. Then, as I have said, there are two ways, one is bombing and the other is to send force by land. By land

is more expensive and there is a greater loss of life both to the tribes and to the Indian army, therefore, bombing is more humane, economical, quick and effective one.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadian Rural) : In what way are the 24 hours' notices sent ?

Major Nawab Ahmad Nawaz Khan : Papers are thrown by aeroplanes and there is no other notice because people know it very well. I would ask the Chair to kindly ask the Opposition not to interrupt me too much unnecessarily.

Mr. S. Satyamurti : The best thing is to sit down.

Major Nawab Ahmad Nawaz Khan : I would ask Honourable Members not to hear one side only. They must also hear the other side from me. To punish the tribes by sending forces by land would be very costly and also would involve a greater loss of life both to the tribes and to our Indian Army, which is undesirable from economic and humane point of view. If the Honourable Members would only go there and see for themselves, they will come to the conclusion that bombing is more humane, because there is no loss of life and it is also very cheap. It is of very great advantage to India that we should save our lives and save our money.

An Honourable Member : Our honour does not count ?

Major Nawab Ahmad Nawaz Khan : If we send aeroplanes, we shall spend only one thousand rupees, whereas if we send land forces, we shall have to spend one lakh of rupees—mark the difference please. If Honourable Members like Mr. Desai will go to see the Frontier with other Congressite Members, they will request the Government to send only aeroplanes and not land forces.

Maulana Shaukat Ali (Cities of the United Provinces : Muhammadan Urban) : I want myself to go tomorrow.

Major Nawab Ahmad Nawaz Khan : In response to the request made by Maulana Shaukat Ali, I would ask him that he should also accompany Mr. Bhulabhai Desai and go to the Frontier, that there should not be two opinions which is customary with us, Indians, unfortunately.

An Honourable Member : Is it an offer on behalf of Government ?

Major Nawab Ahmad Nawaz Khan : I say that we should all go together.

Some Honourable Members : The Honourable Member's time is up.

Mr. Deputy President (Mr. Akhil Chandra Datta) : There is one minute more.

Major Nawab Ahmad Nawaz Khan : I must be given the advantage of too much and unnecessary interruptions that have been made. Sir, then there is another mistake which my friend, Dr. Khan Sahib, has made.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member's time is up. As it is an adjournment motion, the Chair cannot give him more time.

Several Honourable Members : I move that the question be now put.

Mr. J. G. Acheson (Foreign Secretary) : Before the debate is ended, I should like to say a few words. First of all, I would like to say that I was very much interested indeed, for the first time, to have the pleasure of listening to the speech of the Honourable Member from the North-West Frontier Province. I must confess, however, that I was a little surprised by the general tenor of his remarks. He rather reminded me of a famous character in one of Charles Dickens' stories, a gentleman I believe, of the name of Mr. Dick, who whatever subject of conversation was introduced could not avoid introducing into it the mention of the head of King Charles. The head of King Charles appears to the Honourable Member from the North-West Frontier Province to be some mythical creature in the shape of a Political Officer or political subordinate and it is a matter of great regret, from the point of view of accuracy of presentment of facts that the Honourable Member cannot keep this particular King Charles' head out of his discourse. I was also very interested to hear Mr. Krishna Kant Malaviya's display of his powers of prophecy or of his powers of extracting information from secret sources, information which was not known even to myself and I claim to have considerable knowledge of these matters. I should be very much interested to know in confidence what were exactly the sources of his information.

Seriously, I think it is necessary that the House should turn from the presentation of facts made by the Honourable Member from the North-West Frontier Province and listen for a little to the actual political history of the present disturbances, which have given rise to this debate—in other words the recent history of the relations of Government with the Mohmands. I would ask Honourable Members kindly to listen to these facts with a dispassionate mind and to banish all prejudice from their minds and I am sure they will agree with me in the conclusions which I reach. The Mohmands—I apologise for a little history—are one of the chief tribes in the North-West Frontier Province. They are divided roughly into the Upper Mohmands and the Lower Mohmands. The Indo-Afghan frontier through the Mohmand territory has never been demarcated, with the result that there has been a great deal of confusion regarding which of the Upper Mohmands belong to India and which to the neighbouring country. The Government of India have been engaged in warfare with these Mohmands more than with any other tribe on the Frontier, and that is saying a great deal. It was found necessary, owing to aggression by this tribe, to send expeditions into their country in 1898 and again in 1908. There were further troubles with the Mohmands in the succeeding years, and they again came to notice prominently at the beginning of the Great War, when they were the first tribe to take advantage of the hostilities in Europe to embarrass Government. This they did by invading the Peshawar district and embarking on wanton acts of aggression against the people of British India. That is a point of view which I would like Members to appreciate, as also the people of the Peshawar district, including the Honourable Member for the North-West Frontier Province. Again there were invasions in 1915 and 1917 : these were carried out under the aegis of a very well-known personage known as the Haji of Turangzai. I would remind the House that these operations were carried out not in the

hills—there was no question of Government forces advancing wantonly into the hills to lift the tribal “purdah”—but in the plains of Peshawar which were invaded by these people. After these operations, the Lower Mohmands entered into closer relations with Government and entered into engagements which they have on the whole carried out with conspicuous loyalty. In the Upper Mohmand country, however, the nucleus of hostile activity remained and not only was this the centre of the hostile activities which were directed against Government and against the law abiding people of the Peshawar District but it also became the centre also of a number of desperate and dangerous outlaws wanted on charges of murder, chiefly in the Peshawar district. The more dangerous the murder, often of women and sometimes even of children, the more welcome the perpetrator appeared to be and the more friendly the asylum did he seem to receive. It would have been perhaps not quite so serious a matter if these desperate characters had remained inactive in their trans-border asylum, as does happen in other parts of the trans-border country; but they did not do so. From their centre in the Upper Mohmand country, they proceeded to make a series of raids and incursions, open or secret, chiefly into the Peshawar district, for the purpose of engaging in robberies, assassinations and abductions. These inroads continued and were a constant source of friction between the Government and the Upper Mohmands. Armed raids again took place in 1927, 1930, 1932 and 1933 and again in 1935. In 1933, in order to protect the lower Mohmands and the law-abiding people of the Peshawar district from being invaded by the tribesmen from the Upper Mohmand country, Government had to come to the assistance of the Lower Mohmands with armed force. Otherwise the lower tribes complained that they would be unable any longer to maintain their footing and would have no option but to accept the dictation of the upper tribes. The troops advanced, and a route was made at the request of the Lower Mohmands and very largely with their own labour, with their own hands,—so anxious were they to get some security from these perpetual inroads.

Prof. N. G. Ranga (*Guntur cum Nellore · Non-Muhammadan Rural*) : Was it not forced labour ?

Mr. J. G. Acheson : Not at all, it was very willing indeed, as I can testify myself. The road was made and an agreement was entered into with the Upper Mohmands, very willingly on their side, after a certain amount of hostilities, that, provided the road was not carried over into their own country, they would on their side refrain from attacks against the Lower Mohmands, British India, and the new road. This state of affairs lasted until this year of 1935. This year a number of particularly atrocious murders were committed in the Peshawar district by outlaws operating from their base in the Upper Mohmand country. Government could no longer disregard this state of affairs which were becoming extremely serious, and it was found necessary to call on the Saffi tribe—the tribe of the Haji of Turangzai—who were giving harbour to these outlaws and—also a very unusual thing—giving them an honoured position in their tribe, whereas the ordinary outlaw living in the tribal country has to eke out a very miserable existence there; Government, I say,

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[Mr. J. G. Acheson.]

had to call on the Safi tribe to discharge its responsibilities by either turning out these outlaws or at least restraining them from their criminal activities in the district. No notice was taken, and a certain number of the Safi tribe were ultimately arrested and held as hostages by Government. The reply to this action was a descent by Badshahgul, the eldest son of the Haji of Turangzai, on the Gandab road with a lashkar consisting of contingents of Upper Mohmand tribesmen, together with some malcontents from the Lower Mohmands. The road was broken up and attacks were made on posts actually within the Peshawar district. The Ghalanai agreement, whereby the Upper Mohmands had undertaken to respect the road and to refrain from aggression on their neighbours and the District, was thereby flagrantly and wantonly broken. To repel this aggression, Government have had to move troops into the Gandab valley, and they are now engaged in operations in order to prevent a recurrence of this aggression. Honourable Members will see from this account, which I have made as brief as I can, that the whole history of this tribe has been one of wanton and repeated aggression, (*Voices of "Oh! Oh!"*), and from all this and particularly from these recent events it is quite evident—and I think the entire House will agree with me—that it was incumbent on Government to take action to remove the immediate threat to the traffic on the road, including the traffic of Upper Mohmand tribes who are the chief users of the road, and the menace to the Peshawar district. Government had to take this action, and if they had not taken this action, they would have been failing in their duty. Now it is a question whether minimum action to remove the immediate menace is sufficient or whether it is not necessary to take such action as will prevent any future recurrence of these repeated inroads—so expensive to life and property. I think in a question the other day by the Honourable Member from Madras he referred to the "cat and mouse policy" of the Government. If by that he meant that Government, instead of making what is known as "burn and scuttle" expeditions, should grasp the nettle firmly, then there is a good deal to be said for that point of view.

Prof. N. G. Ranga : Make an honest peace with them !

Major Nawab Ahmad Nawaz Khan : If they do not make peace with us, what shall we do ?

Mr. J. G. Acheson : The question is whether Government are really to surrender to these constant acts of aggression committed in recent years under the leadership of well-known murderers and outlaws. I have here a few details. I should like to read out an account of the activities of some of the people at present living under the Haji's patronage in this nest of outlaws in the Safi country. These are just a few at random :

"On the 27th May, 1934, Bahadur Sher of Tarnab in Peshawar District crept up behind one Aziz-ur-Rahman, with whom Bahadur Sher was at enmity, while Aziz-ur-Raman was ploughing with another man called Nauroz. The murderers shot at both men and succeeded in killing Nauroz. The murder was particularly cold-blooded as the culprits had no enmity whatever with Nauroz, but only shot him as he happened to be a servant of Aziz-ur-Rahman. Bahadur Sher then absconded and took refuge with the Haji at Lakarai. Subsequently in September, 1934, he came down again to the Peshawar District and waylaid a Sikh marriage procession. A lorry driver was

wounded and one of the male passengers was shot dead. The womenfolk were treated mercilessly, one girl having her wrists dislocated by the outlaws while they were wrenching off her bangles."

I do not wish to take up too much of the time of the House, and I will give only two more of the instances I have marked here. One of the outlaws.....

Mr. M. Asaf Ali (Delhi : General) : May I know what exactly does the Honourable the Foreign Secretary mean by "outlaw" ?

Mr. J. G. Acheson : An outlaw is a man who has committed an offence in British India and who refuses to surrender himself to justice.

Mr. M. Asaf Ali : He is not a British subject ?

Mr. J. G. Acheson : Yes, he is a British subject.

Then, Sher Afzal (the accomplice of Nauroz already mentioned), after absconding joined the gang of the notorious miscreant Chimnai who was being harboured by the Haji of Turangzal. On 16th November, 1934, he accompanied the gang when they ambushed a police patrol killing one constable and wounding three others. Some weeks later the gang including Sher Afzal wreaked its vengeance on the whole family of a Lambardar who had helped the police, by murdering a man, a woman and a child aged 12 years, and wounding three other children, one a baby of two years. The gang then returned to the asylum afforded by the Haji.

Prof. N. G. Ranga : Do you swear by it all ?

Mr. J. G. Acheson : I have got full particulars of all these cases here. The most notorious is that of Mahmud, who last year at Mardan took a little boy into an out-house to cut his throat and then murdered two defenceless ladies while they were tending the sick. I have always heard that Dr. Khan Sahib is a man well-known and respected for his charity and humanity in the N.-W. F. Province. I believe he keeps a dispensary in which he attends to the sick free of charge. (Loud Applause.) But, Sir, from the facts which I have just recited to the House, I fear that politics have brought the worthy Doctor into rather bad company.

Mr. S. Satyamurti : Bad company !

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member has one minute more.

Mr. J. G. Acheson : Well, I would just say this, that it is quite clear that action has to be taken ; and I think everyone will agree that the action to be taken should be action which is the most economical of the lives of our own British and Indian soldiers and also of the tribes---people themselves ; and I think my friend, the Army Secretary, has in his speech amply established that this action involves, as an essential ingredient, the use of air power under proper regulation and control. (Loud Applause.)

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhamadan Rural) : Sir, I regret very much that in the enthusiasm of defending his position and in his very first maiden speech, if I am not mistaken, the Honourable the Foreign Secretary should have classed

[Mr. Bhulabhai J. Desai.]

us by one comprehensive name of what he called "bad company". I am extremely glad, however, that the bad company ...

Mr. J. G. Acheson : On a point of personal explanation, Sir, I was not referring to the Honourable Member's Party.

Mr. Bhulabhai J. Desai : Sir, I would not have intervened in this debate but for the fact that from our point of view this particular matter involves a question of principle, on which, though we may not have the power and the authority to enforce our views and our decisions, God willing, some day we shall do so.

The question that is involved in this is this—the propriety of the use of bombs and instruments of that character during semi-warlike or warlike operations on civil population. It is a question on which I have no doubt—and I have studied it to a certain extent—opinions have differed at many conferences including the Disarmament Conference where, if I am not mistaken, Sir John Simon was not prepared to assent to that broad proposition. It is perfectly clear and there is no doubt in the matter that there are people who stand for that view and it is, therefore, up to us who stand for that view to assert it to the extent to which we can, whether we can actually stop it or not. The issue before the House is not whether this particular expedition should have been undertaken or not. It is an entirely wrong view of the present motion before the House. In fact, on the one hand, both my honourable friends opposite and the Chair are very keen on confining us to the one particular matter—I am repeating the words of my honourable friend opposite—but when it suits them they lay themselves out as broadly as they like. Who ever wanted a discussion on this present occasion whether or not this particular expedition was justified and yet I venture within the limited time that I have got at my disposal to say that the policy on the Frontier, considering the very history that the Foreign Secretary has chosen to give to this House, is one of which we have always and constantly complained. On his own showing here is a tribe against which, from the year 1908 to the year 1935, there may have been some grounds for an expedition but more often it is just an excuse, I believe, for the maintenance of the army at the North-West Frontier as being a danger and menace to India without which the present expenditure of 58 crores cannot be justified. Once you have got an army there is always an inclination—almost a justification for its use, and I will presently point that out when I deal with the speech, the almost adroit speech, of my honourable friend Mr. Tottenham on which I congratulate him. I almost wish he had been a lawyer and not a soldier. For, indeed, the very fact that they have got this army is said to be an excuse for the purpose of what? Each time, he said, when we are within our borders, we must take under our wing a little beyond our border. If we have taken them within our wing, we must fly a little beyond that border and keep on doing that all the time. In fact, it is this talk of warfare which throughout the last 30 odd years has been the only excuse for piling up the armaments at the expense of the poor people of this country. I would not have referred to this but for the justification that was attempted by the Honourable the Foreign Secretary by giving the history this evening.

I now come to the real issue. The only issue that is raised on this motion is whether or not, according to the opinion of this House, bombing of civil population during an expedition is justified, and I believe Dr Khan Sahib himself has said that we may not have the actual control of the direct action of the policy of the Government, because, on their own confession, they have demonstrated themselves to be first irresponsible and, secondly, demonstrated themselves on their own confession to be the agents of a foreign autocrat. That is the position they have taken up. It is a position of which I make a present to them. But the fact remains that so far as the moral responsibility of any of their acts is concerned, this House will always rise to the occasion and assert its opinion even though it may not actually be listened to. I know they have got used to these defeats. I do not know the meaning of that word. I wonder if it is this that the Government in India is going to be conducted according to their opinions and contrary to the feelings and opinions of those who are solemnly invited here as the representatives of the people and who had to undergo the immense expense of elections under the pretence of a representative Government. I hope and trust that what has become with them a habit shall be an exception in the future. I hope and trust that this Government if it is ever going to justify itself will justify itself only in exceptional matters in differing from the majority of the House. If they will not do that, then what will happen is a matter the consequences of which will be entirely on their own heads. I hope they will not be able to say that they want more and more laws—the subject of a future discussion—in order to put down the awakening of national consciousness and in order that we may not be able to assert our rights against those who choose to govern this country in this irresponsible manner.

The issue therefore is a grave one. We stand here for this principle that whatever may be the peril,—we shall always stand for a civilised principle, and, indeed, we are more civilized though we may be less scientific and less mechanised. I do claim that we are certainly more civilised. We shall certainly stand for civilized methods even if we have to enter upon a war. Therefore, we stand for the principle that even during warfare, so far as the civil population is concerned, it shall be safe from the ravages of the instruments like bombs that were attempted to be used. Now, what was the reply of the Honourable Mr. Tottenham. He said that the Honourable Members on this side wanted more aeroplanes and therefore he drew the most extraordinary conclusion that those aeroplanes must be used. I think that is the principle of the Government of India. They always say “Remember, we can always disregard it though we are not bound to do so”. Therefore, the argument is this because there are aeroplanes, therefore they must be used. If that is the argument, I hope and trust that that conclusion will not commend itself to such common sense as we possess. Therefore, the fact that we desire more air-arm for our future protection against great eventualities will not, I hope and trust, be twisted into a desire or a requirement or a request that it shall be used against women and children on the trans-Frontier tribes. In fact, he did not deny bombing of civil population. The only ground on which he justified this action was notice. Well, I am one of those who believe that this is not a matter of notice at all. If it is a matter of notice, then it

[Mr. Bhulabhai J. Desai.]

becomes a very different proposition. Then you wipe out the principle altogether. Then you admit the justification of that particular use of that arm in those particular conditions and then you leave them at the mercy of those who think what is good notice, what is notice and what is adequate notice. I am familiar with such excuses. Sir, it is practically admitted that bombing was done. All that is said is that notice was given on the 17th and the bombing took place on the 19th and that is all that is said in justification of it. Indeed, if you take out the beginning and the end of all the speeches that have been made on behalf of the Government, all that is said is this : Does this House stand for this that a notice having been given on the 17th, bombing on the civil population on the 19th is justified or not.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

There is no other issue before the House so far as I can see. That is the only justification that was sought to be given. I further say that the economy of it is no excuse. I am not one of those who believe that economy justifies means fair or foul. In fact, where is the question of economy when we are concerned. There is no economy when this country's administration or expense is concerned. There is no question of economy, but some excuse must always be trotted out and economy is now trotted out as an excuse for an act which otherwise would be held to be wrong. If the act is wrong, it is wrong and no question of economy will justify it. I, therefore, say that we are amongst those who stand for this principle that the civil population shall not be treated in the manner in which it has been done.

Mr. G. R. F. Tottenham : I began my speech by saying that if it were a fact that the civil population were being bombed, I should unhesitatingly have condemned it. But my whole speech was intended to show that the civil population were not being bombed, and, as far as I know, there is no evidence before the House that they are.

Mr. Bhulabhai J. Desai : Well, there is no evidence before the House that the civil population was not bombed, and if the civil population was not bombed, what was the point of bringing in the question of notice. It is impossible to believe that the civil population was not bombed. Why was notice necessary ? Why was notice pleaded ? To whom was the notice given ? Why was the notice given at all ? Why was it pleaded that two days notice was regarded as adequate ? I wish to say two things. I say that notwithstanding the fact that we may stand, and we are prepared to stand, any type of treatment at the neglect, at the contempt and at the rejection of every vote which we shall have the right to call for, we shall still stand and register our opinions and not only register our opinions, but make the Government of India believe that the discretionary power of flouting our opinions should not become the habit of the rulers of this land. It is against the scandalous way in which the opinions of this House have been treated during the last three months that we are here to protest ; and whether or not this expedition goes on, whether or not many more or many less women and children die by the striking of bombs, God willing, we shall not stand here in justification of such acts. We do not care whether it is economic or uneconomic to carry on a war-

fare in other ways. In my humble view, it is not justified ; in my humble view, it is merely baiting and keeping up the show that you are fighting in the Frontier if only to justify the maintenance of such a huge armament as a burden on this country. That is my humble view. The only issue I stand upon now is this, that neither economy nor notice shall be a justification for the barbarous behaviour displayed by the Government on the Frontier, and, by the vote we are going to register, we shall show to the Government that this shall not be done. (Applause.)

Maulvi Syed Murtuza Sahib Bahadur (South Madras : Muhammadan) : Sir, I want to congratulate both the Army Secretary and the Foreign Secretary on their having secured the services of our Honourable friend, Major Nawab Ahmad Nawaz Khan, who attempted to support the Government cause much more ably and effectively than the two Secretaries have done. So our Honourable Major deserves the thanks of the Government. Now, Sir, my Honourable friend, Major Nawab Ahmad Nawaz Khan, poses himself to be a great sympathiser of the Frontier people. Every Pathan of the North-West Frontier will exclaim : " Save us from these so-called friends and so-called sympathisers ! " Sir, on every occasion when the question relating to the North-West Frontier comes up before this House, our friend the Nawab Sahib gets up and takes delight in justifying every inhumane action on the part of the Government. The Army Secretary wanted to prove that bombing was a very effective, economic and humane action. But he failed to use superlative degree. None could have prevented him from saying that throwing bombs was the most effective and most humane action. After the able speech of the Leader of the Opposition, no speech, in my opinion, was necessary, but I participated in the debate simply to show to the House that the so-called sympathetic representative of the North-West Frontier is not at all their sympathiser, nor is he their representative and that the real sympathiser is only Dr Khan Sahib. (Hear, hear.) Again, Sir, he said that as one of the oldest Members of this Assembly he could say and prove anything and everything which he has given expression to. But I may tell him that I am the oldest Member of the Assembly (hear, hear) and so, my Honourable friend cannot pride himself as being the oldest Member of the House which is not at all a fact. What is the meaning of his criticising the Opposition saying " you are new to the Assembly and therefore you must refer to the previous debates that took place on previous occasions on this subject " . I submit, Sir, that every time this gentleman comes forward to justify the action of the Government however inhumane and however unsympathetic and however highly revolutionary such actions may be to the sense of humanity. But for the intervention in the debate of my Honourable friend, Major Nawab Ahmad Nawaz Khan, I would not have stood up to make these remarks. With these few observations I support the motion for adjournment so ably moved by my Honourable friend, Dr. Khan Sahib. (Applause.)

Several Honourable Members : The question may now be put.

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable Member, Dr Khan Sahib, wish to reply ?

Dr. Khan Sahib : Yes, Sir. Only for a few minutes. Sir, I shall begin my reply by saying just a word about the Foreign Secretary. He referred to the expedition of 1897. I think by that he meant the Malakand-Chitral expedition.

Mr. J. G. Acheson : I rise to correct a point of fact, Sir. I referred to the Mohmand operation of 1898, not the Malakand-Chitral expedition.

Dr. Khan Sahib : The Honourable Member referred to events after that expedition.

Mr. J. G. Acheson : What all I said was in connection with the Mohmand operations.

Dr. Khan Sahib : Well, Sir, the Government made an agreement with the Malkand tribes. I will tell you how they make their agreements with the tribes. They made an agreement with the tribes with whom they are now at war. They said in that agreement of 1897 that Government would never interfere with their internal affairs, that the Government would never go near their land. Now, you have seen it, Sir, how they have bombed Agra....

Mr. J. G. Acheson : With which tribes are you dealing now ?

Dr. Khan Sahib : Just near the Malakand. As I already said, it is all a question of foreign policy. Now the Government have made a road and they have taken their land. By this action of Government that agreement has gone to pieces. The agreement which the Government draw up is always an agreement of the oppressor. What they say must be right. There is no argument allowed and when an agreement is made, the other party has to obey it implicitly, though the Government may disobey certain parts of the agreement. It is by force that the Government enforce these agreements and the tribesmen are always dissatisfied.

Another point, to which I wish to refer, is the question of outlaws. They have got on the Frontier, the Scouts, the Militia, the Khassadars and the Frontier Constabulary : with all of them they cannot protect us from these outlaws. I say that the fault lies with the police in many cases and they are supposed to be in league with the outlaws. It is said that the police take a share in the loot of these outlaws.

Mr. J. G. Acheson : King Charles' head again.

Dr. Khan Sahib : Another thing which he referred to was about the corruption on the Frontier. He says, there is one corrupt man on the Frontier. I will ask the Foreign Secretary to think over this matter. I do not like to say things in this House which may not be true. Let the Government appoint a committee to go into the question of corruption and put me as a member on it.

Mr. President (The Honourable Sir Abdur Rahim) : The House is not dealing with the question of corruption in the Frontier.

Dr. Khan Sahib : It was the Foreign Secretary that first referred to it. The Government had appointed a committee for investigating into the corruption, and, as soon as they read my speech in the Assembly in Delhi, they kept quiet about it and the committee has not come into existence yet. So, Sir, I say, if the Government are sincere, they can come to an honest agreement with the tribes. I assure the Government that everything will be alright provided they use the right means, because the tribes are an honest lot, they are the most straightforward people and they are always afraid of the Political Department, who say one thing and do another. That is the difficulty.

Now, I come to the Army Secretary. I think he said that a warning was given on the 17th. I am not aware of it. In what way did they give notice? Did they send a motor car loaded with pamphlets?

Mr. G. R. F. Tottenham : The warnings were dropped from aeroplanes and they were also communicated verbally.

Dr. Khan Sahib : In what language was the pamphlet issued? Who was there to read them out to the men? They are all illiterate. Another thing is, did the Army Secretary send motor cars and aeroplanes for their luggage and babies and cattle to be removed in two days? They have no conveyance but have to walk. They have to carry their loads on their backs.

Mr. J. G. Acheson : Sir, on a point of fact, they publish a newspaper in Pushtu and English.

Dr. Khan Sahib : I am very sorry that the Foreign Secretary does not know that the Mohmands are absolutely illiterate. He may be talking of those people who come and live in this country but there I think they cannot read anything. Of course they read the Quran but they do not understand it.

As for my Honourable friend, the Nawab Sahib, the less said the better. He is an adopted child of the Government (Laughter) and, whether right or wrong, he must stand for *his* nation. But, luckily for us, and unluckily for the Government, his speeches are so self-condemned,—that it requires no answer.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the House do now adjourn.”

The Assembly divided :

AYES—67.

Aaron, Mr. Samuel.
Abdul Matin Chaudhury, Mr.
Abdullah, Mr. H. M.
Asaf Ali, Mr. M.
Ayyangar, Mr. M. Ananthasayanam.
Azhar Ali, Mr. Muhammad.
Ba Si, U.
Banerjee, Dr. P. N.
Baqui, Mr. M. A.
Bardaloi, Srijut N. C.
Bhagavan Das, Dr.
Chattopadhyaya, Mr. Amarendra Nath.
Chettiar, Mr. T. S. Avinashilingam.
Chetty, Mr. Sami Vencatachelam.
Chunder, Mr. N. C.
Das, Mr. B.
Das, Mr. Basanta Kumar.
Das, Pandit Nilakantha.
Datta, Mr. Akhil Chandra.
Desai, Mr. Bhulabhai J.
Deshmukh, Dr. G. V.
Essak Sait, Mr. H. A. Sathar H.
Fazl-i-Haq Piracha, Khan Sahib Shaikh.
Gadgil, Mr. N. V.
Gauba, Mr. K. L.
Ghiasuddin, Mr. M.

Ghulam Bhik Naniang, Syed.
Giri, Mr. V. V.
Govind Das, Seth.
Gupta, Mr. Ghansham Singh.
Hosmani, Mr. S. K.
Jedhe, Mr. K. M.
Jogendra Singh, Sirdar.
Joshi, Mr. N. M.
Khan Sahib, Dr.
Khare, Dr. N. B.
Lalchand Navalrai, Mr.
Maatra, Pandit Lakshmi Kanta.
Malaviya, Pandit Krishna Kant.
Mangal Singh, Sardar.
Mudaliar, Mr. C. N. Muthuranga.
Muhammad Ahmad Kazmi, Qazi.
Muhammad Nauman, Mr.
Murtuza Sahib Bahadur, Maulvi Syed.
Nageswara Rao, Mr. K.
Pant, Pandit Govind Ballabh.
Raghubir Narayan Singh, Choudhri.
Rajan, Dr. T. S. S.
Raju, Mr. P. S. Kumaraswami.
Ranga, Prof. N. G.
Saksena, Mr. Mohan Lal.

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AYES—*contd.*

Sant Singh, Sardar.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Shaikat Ali, Maulana.
 Sheodass Daga, Seth.
 Siddique Ali Khan, Khan Sahib Nawab.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Anugrah Narayan.

Sinha, Mr. Satya Narayan.
 Sinha, Mr. Shri Krishna.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Them Maung, Dr.
 Umar Ali Shah, Mr.
 Varma, Mr. B. B.
 Vissanji, Mr. Mathuradas.

NOES—44.

Abdul Aziz, Khan Bahadur Mian.
 Acheson, Mr. J. G.
 Ahmad Nawaz Khan, Major Nawab.
 Ayyar, Diwan Bahadur R. V. Krishna.
 Ayyar, Rao Bahadur A. A. Venkatarama.
 Bajpai, Sir Girja Shankar.
 Bhat, Mr. Madhusudan Damodar.
 Blackwell, Mr. J. H.
 Bower, Mr. E. H. M.
 Chapman-Mortimer, Mr. T.
 Chatarji, Mr. J. M.
 Clow, Mr. A. G.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 Desai, Mr. S. P.
 DeSouza, Dr. F. X.
 Gajapatiraj, Maharaj Kumar Vijaya Ananda.
 Ghuznavi, Sir Abdul Halim.
 Graham, Sir Lancelot.
 Griffiths, Mr. P. J.
 Hands, Mr. A. S.
 Hockenhull, Mr. F. W.
 James, Mr. F. E.

Lal Chand, Captain Rao Bahadur Chaudhri.
 Leach, Mr. F. B.
 Lee, Mr. D. J. N.
 Lister, Mr. T.
 Lloyd, Mr. A. H.
 MacLachlan, Mr. D.
 Milhgan, Mr. J. A.
 Mitchell, The Honourable Mr. D. G.
 Moigan, Mr. G.
 Mukherjee, Rai Bahadur Sir Satya Charan.
 Owen, Mr. L.
 Rajah, Rao Bahadur M. C.
 Rau, Mr. P. R.
 Row, Mr. K. Sanjiva.
 Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan, Captain Sardar.
 Singh, Mr. Pradyumna Prasad.
 Sircar, The Honourable Sir Nripendra.
 Tottenham, Mr. G. R. F.
 Zafrullah Khan, The Honourable Sir Muhammad.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 5th September, 1935.

LEGISLATIVE ASSEMBLY.

Thursday, 5th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

COST OF INDIA'S DELEGATION TO THE INTERNATIONAL LABOUR CONFERENCE AND THE LEAGUE OF NATIONS.

122 ***Mr. S. Satyamurti** : (a) Will Government be pleased to state the cost of India's delegation to the Labour Conference and to the League, separately, during each of the last five years ?

(b) Has any member of such delegation, being a Prince or a rich merchant, ever declined to receive travelling and other allowances from Government ?

The Honourable Sir Nripendra Sircar : (a) A statement is laid on the table.

(b) No.

Statement showing the cost of India's delegations to the International Labour Conference and the Assembly of the League of Nations during the last five years.

Year.							International Labour Conference.	Assembly of the League of Nations.
							Rs.	Rs.
1930-31	..	..	..	..	..	..	44,449	50,552
1931-32	..	..	..	..	..	..	43,918	21,428
1932-33	..	..	..	..	..	..	15,111	3,710
1933-34	..	..	..	..	..	..	14,967	2,320
1934-35	..	..	..	..	..	..	*20,900	†726-15-0

*Actual expenditure not available. Figure constitutes revised estimate.

†Actual expenditure not available. A sum of £2,550 has been provided in the revised estimate, and the figure shown above represents the expenditure incurred in India only.

RATE WAR IN THE COASTING TRADE OF INDIA.

123. ***Mr. S. Satyamurti** : (a) Will Government be pleased to state whether they had any correspondence with the Steamer Companies concerned in the recent rate war in the coasting trade of India ?

(b) Will Government be pleased to lay on the table such correspondence in order to allay and dispel the feeling that Government were powerless and were unwilling to protect Indian shipping interests ?

The Honourable Sir Muhammad Zafrullah Khan : (a) It is presumed that the Honourable Member refers to the rate war between the Conference Lines and the Small Shipping Companies on the West Coast of India last year. If that is so, the reply is in the affirmative.

(b) The differences between the Companies were settled by an Award made by my predecessor after a Conference of the parties held last January, and Government have no reason to suppose that Indian shipping interests feel that Government are unwilling or powerless to assist them.

Mr. S. Satyamurti : Has the Honourable Member's attention been drawn to the recent rate war with regard to shipping in Burma ?

The Honourable Sir Muhammad Zafrullah Khan : The question does not relate to Burma.

Mr. S. Satyamurti : The question does not relate to any particular place ; it relates to the coasting trade of India. India so far includes Burma.

The Honourable Sir Muhammad Zafrullah Khan : I should require notice of that question. The original question did not make it clear.

Mr. S. Satyamurti : Has the Honourable Member's attention been drawn, after he took charge of his office, to any such feeling on the part of Indian shipping interests, as is referred to in clause (b) of the question ?

The Honourable Sir Muhammad Zafrullah Khan : So far as the west coast lines are concerned, no

Mr. S. Satyamurti : With regard to any other coasting lines, has the Honourable Member's attention been drawn to that feeling in Indian shipping interests ?

The Honourable Sir Muhammad Zafrullah Khan : There was some correspondence received from a company in Rangoon with regard to the rates on the Burma line.

Mr. S. Satyamurti : Has the Honourable Member taken any action on that representation ?

The Honourable Sir Muhammad Zafrullah Khan : As the rate war in that instance was found to have been started by the company itself which complained, no action was taken.

Mr. S. Satyamurti : Is the rate war still going on ?

The Honourable Sir Muhammad Zafrullah Khan : I have no information on that.

Mr. S. Satyamurti : Will the Honourable Member enquire and find out whether it is going on now ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot undertake to do so, but I will look into the matter.

APPLICATIONS FOR PROTECTION OF INDUSTRIES.

124. ***Mr. S Satyamurti :** (a) Will Government be pleased to state from how many industries they have received applications for protection during each of the last five years ?

(b) How many of these cases did they send to the Tariff Board ?

(c) On how many of these have the Tariff Board reported ?

(d) On how many of these have Government taken action ?

The Honourable Sir Muhammad Zafrullah Khan : (a) :

*Number of applications
received.*

1931	..	..	..	..	7.
1932	..	..	.	..	11
1933	..	..	..	..	42
1934	..	..	..	..	19
1935 till the end of August	..			..	7

(b), (c) and (d). I would refer the Honourable Member to the statement laid on the table of the House in reply to part (b) of Professor N. G. Ranga's question No. 478 on the 23rd February, 1935. Since that date the reports of the Tariff Board on the question of the removal of tariff inequality in respect of shuttles and the grant of protection to the Woollen Textile Industry have been received. With the exception of these reports and the report on the removal of tariff inequality in respect of carbon brushes necessary action has been taken on all reports. A Resolution indicating the action proposed in regard to the last named report, that is to say, the report on carbon brushes, was published in the Gazette of India, Part I, dated the 23rd March, 1935, a copy of which has been placed in the Library.

Mr. S. Satyamurti : May I take it then that there are three reports now pending before the Government from the Tariff Board ?

The Honourable Sir Muhammad Zafrullah Khan : Two.

Mr. S. Satyamurti : May I know for how long they have been pending consideration by the Government ?

The Honourable Sir Muhammad Zafrullah Khan : So far as the Woollen Textile Industry Report is concerned, only a few weeks. I have not available the information with regard to the second one.

Mr. S. Satyamurti : What is the normal period which Government take to consider a Tariff Board report ?

The Honourable Sir Muhammad Zafrullah Khan : There is no normal period ; it depends upon each individual report.

Mr. S. Satyamurti : How long will Government take to finish the consideration of the two reports now pending before them ?

The Honourable Sir Muhammad Zafrullah Khan : I do not think it will take very long, although I could not fix any date.

Prof. N. G. Ranga : When do Government propose to review the working of the Tariff Board ?

The Honourable Sir Muhammad Zafrullah Khan : That does not arise out of this question.

COST INCURRED BY THE GOVERNMENT OF INDIA IN THE TRANSPORT OF BRITISH TROOPS AND OFFICERS.

125. ***Mr. S. Satyamurti :** (a) Will Government be pleased to state the cost incurred by them in the transport of British troops and officers to and from India when they are joining service, or when they are retiring, or on leave, during each of the years 1932-33, 1933-34 and 1934-35 ?

(b) How much of this cost was paid to private shipping enterprise and to whom ?

Mr. G. R. F. Tottenham : (a) and (b). The expenditure incurred in England on the transport of British troops and officers during each of the years 1932-33, 1933-34 and 1934-35 was as follows :

	Rs.		
1932-33	49,36,080		
1933-34	54,67,933		
1934-35	59,84,000		

Most of this expenditure represents India's share of the troop transport service which is paid for through the War Office. No figures are available of amounts paid by the India Office to private shipping firms on account of individual passages engaged by them.

The statement which I am laying on the table in reply to part (b) of the question gives the information asked for in respect of expenditure incurred in India.

Statement showing amounts paid to various shipping enterprise on account of packet, freight and Lee concession passages.

Shipping Company.	1932-33.	1933-34.	1934-35.
	Rs.	Rs.	Rs.
1. Peninsular Oriental S. N. Co. ..	13,10,798	12,50,518	13,36,549
2. British India S. N. Co... ..	78,281	78,587	99,138
3. Orient S. N. Co.	21,336	6,750	25,172
4. Ellerman's City & Hall Line ..	1,07,644	1,52,280	1,03,276
5. Anchor Line	1,83,905	1,70,610	1,52,945

Shipping Company.	1932-33.	1933-34.	1934-35.
	Rs.	Rs.	Rs.
6. Bibby Line	38,858	28,138	29,870
7. Henderson Line	28,845	11,970	15,246
8. Lloyd Triestine Line	1,67,973	1,48,144	1,45,594
9. Imperial Airways, Ltd. .. .	16,392	19,120	51,918
10. Indian National Airways Coy. .. .. .	.	..	1,680
11. Canadian Pacific Line	2,920	2,145	3,900
12. N. Y. K. Line	6,217	3,775	5,527
13. Blue Funnel Line	54	7,513	1,640
14. Cunard Line	374	..	2,747
15. Hansa Line .. .. .	..	..	1,613
16. Indian African Line	560	1,210	3,549
17. Aberdeen Commonwealth Line	3,081	..	..
18. Messageries Maritimes .. .	267	987	..
19. Union Castle Line	1,000	..	2,812
20. Union Steamship Coy. of New Zealand. .. .	1,600	..	..
21. Indo-China S. N. Co.	325	1,056	..
22. East Asiatic Line .. .. .	.	..	2,805
23. Dollar Line	1,063	..	4,434
24. Royal Dutch Mail (Rotterdamsche Lloyd)	2,389	..	4,189
25. C. S. K. Line	710	..	..
Total ..	19,74,592	18,82,603	19,94,604

Mr. S. Satyamurti : May I take it, therefore, that no Indian shipping interest had any share in this expenditure ?

Mr. G. R. F. Tottenham : There is a list of about 25 different shipping companies to whom payments are made. I do not think any of them are Indian shipping companies, and that would not be so, because the traffic is between England and India.

EXPANSION IN THE ROYAL INDIAN MARINE AND FACILITIES FOR THE
TRAINING OF INDIANS.

126. ***Mr. S. Satyamurti** : (a) Will Government be pleased to state whether, and if so, what expansion in the Royal Indian Marine they are contemplating ?

(b) What facilities they propose to give for the training of Indian officers and men in connection with the defence of India at sea ?

Mr. G. R. F. Tottenham : The Honourable Member should know that the Royal Indian Marine has been replaced by the Royal Indian Navy.

(a) None at the moment.

(b) Facilities already exist at the Indian Naval Dockyard in Bombay for the training of ratings for the Royal Indian Navy. Its Indian officers receive their initial training in England, mainly at Royal Naval establishments or in Royal Navy vessels.

Mr. S. Satyamurti : How many Indians are being trained as officers at the present moment ?

Mr. G. R. F. Tottenham : I should require notice. I think five or six are under training at the present moment.

Mr. S. Satyamurti : How many of them are being trained in India and how many in England ?

Mr. G. R. F. Tottenham : All the officers are trained in England.

Mr. S. Satyamurti : Are there no facilities for training in India ?

Mr. G. R. F. Tottenham : There is no training of officers in India.

Mr. S. Satyamurti : Are there any proposals for their training in India ?

Mr. G. R. F. Tottenham : No, Sir.

Mr. T. S. Avinashilingam Chettiar : Is there no Indian who has finished his training ?

Mr. G. R. F. Tottenham : Yes. There are a good many of them who are already serving in the Royal Indian Navy. They have all been trained.

Mr. S. Satyamurti : Why are there no proposals for training in India Indian officers for the defence of India at sea ?

Mr. G. R. F. Tottenham : In order to train Indian naval officers in India, it would be necessary to establish a training centre, and that would be very expensive for the extremely small naval force that we maintain. It would not be possible to train naval officers at the Indian Military Academy at Dehra Dun, and we should have to have a separate institution at Bombay or elsewhere and the expense would be out of all proportion to our requirements.

Mr. S. Satyamurti : Is expense any consideration of the Army Department of the Government ?

Mr. G. R. F. Tottenham : Oh, yes. Constantly.

REVISION OF THE MAXIMUM AND MINIMUM CHARGES ON THE INDIAN RAILWAYS.

127. *Mr. S. Satyamurti : (a) Will Government be pleased to state what steps they are taking for a revision of the maximum and minimum charges on the Indian Railways ?

(b) Have they received representations from the Railways expressing their desire to charge under the minimum, through the fear that they would otherwise lose the traffic ?

(c) In how many cases have they permitted the Railways to go under the minimum ?

(d) On what basis were these minima fixed and when ?

(e) Are Government prepared to associate non-official businessmen with the task of readjusting the minimum and maximum at present fixed and also of revising the classification under Railways generally, which has become obsolete ?

Mr. P. R. Rau : (a) The question of revising the Indian Railways' General Classification of Goods, which determines the limits within which Railway Administrations may fix freight rates, was referred to the Indian Railway Conference Association in 1933 for recommendations as to the statistics that should be compiled before any action could be taken to consider on what lines the revision should be based. The Association appointed a Special Committee in April, 1934, to report on the statistics that would be necessary. The report of this Committee was considered by the Association at their meeting in October, 1934, when they recommended that as an alternative to the compilation of statistics proposed which would involve an initial expenditure of perhaps about Rs 20 lakhs, the Calcutta group of Railways should examine whether the revision could not be made on other lines with less preliminary expenditure. The point was further considered by the Association at a meeting in March, 1935, and in accordance with the recommendations then made by the Association, a Committee appointed by them met representatives of commerce, industry and agriculture at Delhi on the 29th July, 1935, for an informal discussion. Meantime, the Calcutta group of Railways are pursuing their investigation and their report will be considered at the meeting of the Conference Association in October next when their conclusions and final recommendations will be submitted to the Railway Board.

(b) No.

(c) Except as regards coal, I have not been able to trace any case in which rates for public traffic below the prescribed minima have been permitted.

(d) The existing minima of 1/10th pie in some cases and 1/6th pie in others were prescribed in 1891 ; the former was for commodities of low value and was apparently fixed as it approximated to the average cost of carrying goods on State lines at the time. The latter was for higher class goods and was the average rate then earned over State lines.

(e) It has always been the intention of Government to consult trade and commercial interests before coming to any final conclusions in regard to the revision of the classification of goods.

Mr. S. Satyamurti : In view of the present position of the railways and of the increasing road competition, will the Honourable Member be good enough to say whether the Government of India will expedite a decision on this matter, so as to give proper facilities to the traffic, and also earn maximum revenue for the railways ?

Mr. P. R. Rau : Government will do their best to expedite the consideration of this matter.

Mr. N. M. Joshi : May I ask whether the reply of the Honourable Member referred only to rates on goods traffic and not to passenger traffic ?

Mr. P. R. Rau : The question referred to goods traffic and not to passenger traffic.

Mr. N. M. Joshi : May I refer the Honourable Member to the terms of the question itself ? It says :

“ Will Government be pleased to state what steps they are taking for the revision of the maximum and minimum charges on railways ? ”

I do not think there is anything there about passenger or goods charges.

Mr. S. Satyamurti : I meant only goods traffic.

Mr. N. M. Joshi : May I ask the Honourable Member whether he had read the question carefully ?

Mr. P. R. Rau : As a matter of fact, maximum and minimum charges are usually associated with goods traffic and not with passenger traffic.

Mr. S. Satyamurti : Here I agree with the Government.

Mr. N. M. Joshi : Even for the passenger traffic, there are maximum and minimum charges

Mr. P. R. Rau : By maximum and minimum charges the Honourable Member generally refers to goods traffic and the Honourable the questioner has himself admitted that he had goods traffic in mind.

MINTS AT CALCUTTA AND BOMBAY.

128. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) the net cost of the working of the mint at :

(i) Calcutta, and

(ii) Bombay ;

(b) what work is done at Calcutta, which is not being done in Bombay ;

(c) whether Government have considered the desirability of abolishing one of the two mints in the interests of economy ?

The Honourable Sir James Grigg : (a) Attention is invited to Account No. 63 of the Finance and Revenue Accounts for the year 1933-34 which gives the full details of the receipts and expenditure of the two mints for that year (the last year for which complete accounts are available).

(b) All coinage work for the Government of India is at present being done at the Calcutta Mint which also carries out coinage work for the Indian States, the manufacture of medals and other miscellaneous work. The work in the Bombay Mint is at present confined to refining and assaying gold and silver. In 1934-35 some coinage of Hong Kong dollars was undertaken at this Mint on payment.

(c) The question is still under consideration.

Mr. S. Satyamurti : Have Government considered the question from the point of view of economy ?

The Honourable Sir James Grigg : Yes, Sir, and also any other consideration which may be relevant. The prime consideration is economy.

Mr. S. Satyamurti : Is the Bombay mint well equipped to carry on all the work, which the Government may require it to do ?

The Honourable Sir James Grigg : It is not quite, but it could easily be made so.

Mr. S. Satyamurti : When do Government hope to come to a decision ? May I ask for some expedition ?

The Honourable Sir James Grigg : There are various disturbing factors at present. An unusually high demand for small coins has manifested itself in recent years, and that is a fact which I should like to study before coming to a final decision.

Mr. Lalchand Navalrai : May I know whether, after the establishment of the Reserve Bank, there will be any likelihood of one of the mints being abolished ?

The Honourable Sir James Grigg : I do not think the establishment of the Reserve Bank affects the mints at all. The supply of subsidiary coinage is still a function of the Government and not of the Reserve Bank.

PASSAGE OF GERMAN AEROPLANES OVER INDIA.

129. ***Mr. S. Satyamurti :** (a) Will Government be pleased to state whether they have received any representations for the passage of German aeroplanes over India and the use of Indian aerodromes for the Berlin-Shanghai air route ?

(b) Have Government come to any decision in this matter ?

The Honourable Mr. D. G. Mitchell : (a) No. Government are, however, aware of a proposal by the Deutsche Luft Hansa, a German company, to operate an air service from Europe to China *via* India. Permission was granted for the flight of one German aeroplane over India *en route* to China in September, 1934.

(b) Does not arise.

Mr. S. Satyamurti : How many foreign countries are now having permission to fly aeroplanes over India ?

The Honourable Mr. D. G. Mitchell : The Honourable Member presumably refers to regular air services. There is the British line, an Indian line, a Dutch line and a French line.

Mr. S. Satyamurti : Is there any principle observed by the Government in granting or refusing the grant of permission, and, if so, what is it ?

The Honourable Mr. D. G. Mitchell : The question is somewhat vague. I do not quite follow what the Honourable Member means.

Mr. S. Satyamurti : What are the considerations which weigh with the Government in giving or refusing permission to other countries, that is, foreign countries, outside the Empire, when they want to run aeroplanes over India regularly ?

The Honourable Mr. D. G. Mitchell : So far I am not aware that we have refused permission to any regular air service. So long as we have the ground organisation in working order, we are prepared to allow any foreign country to operate a regular air service across India in accordance with the ordinary International Regulations.

DISABILITIES OF INDIAN RESIDENTS IN SINGAPORE.

130 ***Mr S. Satyamurti :** (a) Will Government be pleased to state whether they have heard that the Indian residents in Singapore are not receiving proper treatment and full legal rights, and whether the Government of India ever represented this matter to the Colonial Office ?

(b) Have Government received any complaint of the inadequacy of advice and facilities given to Indians by the British Councils in Java ?

Sir Girja Shankar Bajpai : (a) and (b). No, Sir.

Mr. S. Satyamurti : Is that a technical answer (I mean no offence), or do Government say that they have no knowledge at all of the ill-treatment of Indians in Singapore ?

Sir Girja Shankar Bajpai : It is not a technical answer. On receipt of the notice of this question I actually made inquiries from the Agent of the Government of India in the Federated Malay States and the Straits Settlements, and he says he is not aware of any ill-treatment of Indians. If my Honourable friend will give me any specific instances, I shall be very glad to make inquiries.

Prof. N. G. Ranga : Is it a fact that there are certain parks to which Indians cannot have admission ?

Sir Girja Shankar Bajpai : No, Sir. I have no information to that effect.

MANUFACTURE OF AEROPLANES IN INDIA.

131. ***Mr. S. Satyamurti :** (a) Will Government be pleased to state whether they are aware that the progress of aviation in India is materially checked on account of the cost of imported aeroplanes ?

(b) In connection with the air defence of India has the Military Department represented to Government that it is essential that the aeroplanes should be manufactured in this country ?

(c) What steps are Government taking to promote the manufacture of aeroplanes in India ?

(d) Have Government made any enquiries whether all the materials for the making of an aeroplane are not available in the country ?

(e) In any negotiations with the manufacturers of aeroplanes, do Government propose to give equal opportunity and preference to an Indian company ?

The Honourable Mr D. G. Mitchell : (a) No. It is true that the cost of aeroplanes in India is higher than in the countries of origin, but the market in India is at present so small that the cost of manufacture in India would almost certainly be prohibitive.

(b) No.

(c) The first stage in the development of a manufacturing industry is the assembly of imported manufactured components. This business is being developed both by aircraft operators in India and by agents of the manufacturing firms. With business at its present volume it would be unwise to accelerate the process artificially.

(d) The component parts of an aeroplane contain a large variety of materials which are developed to a very high standard of perfection in the course of manufacture. For reasons which I have already given, manufacture in India is not at present possible, and the only profitable line of enquiry is in connection with raw materials. An investigation into the suitability of Indian timber for use in the manufacture of aircraft is in progress.

(e) Does not arise.

Mr. S. Satyamurti : May I take it, therefore, that there are no negotiations contemplated with the manufacturers of aeroplanes? I am talking of clause (e) of the question.

The Honourable Mr. D. G. Mitchell : There are no negotiations at present going on for the manufacture of aeroplanes in India

Mr. S. Satyamurti : With reference to clause (a) of the question, have Government considered the possibility of developing a market outside India ?

The Honourable Mr. D. G. Mitchell : That would be even more unprofitable, when there is no market in India itself.

Mr. S. Satyamurti : May I take it, therefore, that we can never compete with foreign countries at some time or other ?

The Honourable Mr D. G. Mitchell : As soon as the demand in India grows large enough to justify the erection of a manufacturing plant for the manufacture of aeroplanes at a reasonable cost, then, after satisfying the Indian demand, we may perhaps hope that India itself will be able to get into the position of an exporting country.

Mr. S. Satyamurti : Will my Honourable friend, in conjunction with his colleague to his left, develop a demand for the manufacture of aeroplanes ?

AMENDMENT OF THE INDIAN COMPANIES ACT.

132 ***Mr S. Satyamurti :** Will Government be pleased to state :

(a) whether Mr. Sen, the Special Officer in connection with the revision of the Indian Companies Act, has submitted his report ;

- (b) when this report will be published ;
- (c) whether it is the intention of Government to appoint a committee consisting of a businessman, a chartered accountant and a senior Registrar of Companies, to consider the issues and make their recommendations, on which a Bill could be framed ;
- (d) when Government propose to introduce a Bill amending the Indian Companies Act ?

The Honourable Sir Nripendra Sircar : (a), (b) and (d). The Honourable Member is referred to the reply given to Mr. B. Das's starred question No 1068 on the 27th March, 1935.

(c) Government have received opinions of the Registrar of Companies, of Calcutta, Madras and Bombay, and also opinions of businessmen, and they are still receiving further opinions. Government has not yet decided whether the appointment of a Committee will be necessary.

Mr. S. Satyamurti : Sir, since the last answer was given, has any progress been made ?

The Honourable Sir Nripendra Sircar : Yes, Sir ; I believe there is another question directed to that, but I have no objection to giving the information to my Honourable friend. Since the last answer was given, we have received, not only further opinions, but certain bodies representing mercantile interests have also made certain representations to us.

Mr. S. Satyamurti : Are Government aware of the imperative and urgent need for the amendment of this Act, and will they be good enough to expedite it ?

The Honourable Sir Nripendra Sircar : I can assure my Honourable friend that I am doing my very best to expedite it, and I am losing no time over it.

Mr. Lalchand Navalrai : May I know, with respect to clause (d), when the report will be published ?

The Honourable Sir Nripendra Sircar : I have got to refer my Honourable friend to the answer given on the previous occasion. There is no intention of doing so at present. The report is purely departmental.

Mr. Lalchand Navalrai : May I also know from the Honourable Member if Mr. Sen has given any attention to the question of Provident Funds in Karachi ?

The Honourable Sir Nripendra Sircar : If there is no desire to publish that confidential departmental report, I am not going to disclose part of it by answering this question.

PLIGHT OF INDIANS IN REGARD TO THE CLOVE TRADE IN ZANZIBAR.

133. ***Mr. S. Satyamurti :** (a) Will Government be pleased to state whether they have seen a copy of the views of the London Chamber of Commerce, desiring that the clove trade in Zanzibar should be run as a monopoly trade by the Clove Growers Association ?

(b) Is it true that Mr. Menon's report also has expressed an apprehension on this matter ?

(c) If this is true, are Government prepared to consider the plight of the Indian merchants who have built up the clove trade in Zanzibar ?

(d) What do Government propose to do about it ?

Sir Girja Shankar Bajpai : (a) The Honourable Member presumably refers to certain Press reports of an alleged resolution of the London Chamber of Commerce, criticising certain functions of the Clove Growers' Association. Government are informed that the reports are incorrect. The Chamber passed no resolution on the subject.

(b) Yes.

(c) and (d). The attention of the Honourable Member is invited to the reply given by me yesterday to his question No. 118.

Mr. S. Satyamurti : But, are Government doing anything to protect the rights of Indian merchants, in view of this possibility, because Mr. Menon expressed an apprehension in this matter ?

Sir Girja Shankar Bajpai : Sir, Mr. Menon's report was primarily concerned with what he apprehended would result from the operation of the Clove Growers' Decree, and, as I explained to my Honourable friend yesterday, at the stage when he wrote the report, it was merely an apprehension. Since then the matter has been the subject of correspondence between the Government of India and the Secretary of State for the Colonies, and the Secretary of State for the Colonies says that the local authorities say that those apprehensions have not been realised in fact ; and Government are now aiming at ascertaining the exact facts with a view to determining what action is needed.

Mr. S. Satyamurti : Are they in a position to say that the Clove Growers' Association has definitely dropped this proposal ?

Sir Girja Shankar Bajpai : I do not know which particular proposal my Honourable friend is referring to. The Clove Growers' Association was brought into being for the purpose of being put in a privileged position as regards the purchasing of cloves from the producer.

Mr. S. Satyamurti : Have they dropped this proposal to run this, as a monopoly trade ?

Sir Girja Shankar Bajpai : Strictly, in the legal sense of the words, there is no monopoly, so far as the export business is concerned, the Clove Growers' Association is exporting, and there are at least six other firms—I am speaking from memory—who are also exporting, private firms.

ESTABLISHMENT OF A LONDON BRANCH OF THE RESERVE BANK OF INDIA.

134. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) when they propose to establish a London Branch of the Reserve Bank of India ;
- (b) on the Branch being established, whether Government propose to place the whole of their London balances with the Reserve Bank ; and
- (c) what is the amount of their balances and with whom they are at present on deposit or on loan ?

The Honourable Sir James Grigg : (a) Government are informed by the Reserve Bank that they hope to be in a position to establish the London Branch about the beginning of October

(b) Since the Reserve Bank assumed its full banking functions on the 1st of July, Government are placing the whole of their balances both in India and London with it and the Secretary of State's balance is being reduced to a Current Account which he maintains with the Bank of England to fulfil his statutory requirements.

(c) The amount of Government balance with the Reserve Bank can be ascertained from the statements which the latter publishes weekly. The Reserve Bank is bound to keep the Secretary of State's balance with the Bank of England at a figure sufficient to meet his requirements from time to time and has full discretion to employ the remainder as and where it pleases subject to the provisions of the Reserve Bank Act.

Mr. S. Satyamurti : As a matter of fact, where are they placing these balances—the balances remaining over after the minimum necessary to meet the Secretary of State's statutory requirements ?

The Honourable Sir James Grigg : I have not the recent returns before me, but I shall be quite glad to show them to the Honourable Member and he can see quite readily how much of the balances are kept in India and how much are kept in sterling securities.

Mr. S. Satyamurti : Are they being kept to the best advantage of this country ?

The Honourable Sir James Grigg : Sir, the Indian Legislature having decided to entrust the control of that sort of thing to the Reserve Bank, I must assume that the Bank will do it better than the Government of India did it in the past.

Prof. N. G. Ranga : Will the management of our loan policy in London be entrusted to the Reserve Bank of India ?

The Honourable Sir James Grigg : So long as the present regime holds, *i.e.*, until the new Government of India Act comes into operation, the Secretary of State remains responsible for sterling loans in London.

PURCHASE OF STORES MADE ABROAD.

135. **Mr. S. Satyamurti :** (a) Will Government be pleased to state the result of the scrutiny by the Indian Stores Department of indents by Government Departments sent to the London Stores Department through the High Commissioner ?

(b) Is it true that the purchases made abroad are on the increase in spite of this precaution and that many items are still being purchased abroad, which are either made in India, or could be produced in India ?

(c) Is it true that the rupee tender system is not strictly applied to purchases for :

(i) the Master-General of Supplies,

(ii) the Canteen Control Syndicate,

(iii) the Chief Controller of Stores of various Railways, and

(iv) the Railway Board ?

(d) If this is so, what is the reason for the departure from this system recommended by the Legislature and accepted by Government ?

The Honourable Mr. D. G. Mitchell : (a) The information desired by the Honourable Member is contained in the Annual Administration Reports of the Indian Stores Department which are available in the Library of the House. The Report for 1934-35 will be published shortly.

(b) There was an increase in the value of the purchases during 1934-35, but there has been no departure from the Stores Purchase Rules

(c) The Master General of the Ordnance, the Railway Board and the State-managed Railways strictly observe the rupee tender system. The Company-managed Railways are free, under the terms of their contracts with the Secretary of State, to make their own arrangements for the purchase of stores and cannot be compelled to adopt the rupee tender system, though efforts are being made to induce them to adopt it as far as possible. The system does not apply to the Canteen Contractors Syndicate, which is a private concern

(d) Does not arise.

Mr. S. Satyamurti : Sir, with reference to the answer to clause (b) of the question, may I know the reason for the increased purchases abroad ?

The Honourable Mr. D. G. Mitchell : The increase was almost entirely due to special purchases of equipment made on behalf of the Royal Air Force.

Mr. S. Satyamurti : With reference to the answer to clause (c) of the question—I did not hear my Honourable friend clearly—may I take it that of the four classes mentioned there, except two, all others observe the rupee tender system strictly ?

The Honourable Mr. D. G. Mitchell : I am sorry I did not hear the Honourable Member clearly. Will he kindly repeat the question ?

Mr. S. Satyamurti : With reference to the answer to clause (c) of the question, may I know if, of the four categories I have mentioned there, all of them observe the rupee tender system, except two ?

The Honourable Mr. D. G. Mitchell : That is correct.

Mr. S. Satyamurti : May I know what are the functions of this private concern, what Departments of the Government they supply, what they supply, and what the values of their supplies are ?

The Honourable Mr. D. G. Mitchell : I am afraid I must require notice of that question. I know nothing about the Canteen Contractors Syndicate.

RETURN ON THE TOTAL CAPITAL COST OF NEW DELHI.

136. ***Mr. S. Satyamurti :** Will Government be pleased to state what return on the total capital cost (including interest) of New Delhi

they received during the years 1933-34 and 1934-35, stated as percentage on the total outlay ?

The Honourable Mr. D. G. Mitchell : The information is being collected and a reply will be placed on the table of the House in due course.

Mr. S. Satyamurti : Have Government any proposal to increase this inadequate return ?

The Honourable Mr. D. G. Mitchell : Can the Honourable Member ask a supplementary question on an answer which has not yet been given ?

Mr. B. Das : May I remind the Honourable Member for Industries that the Accountant General, in connection with the Appropriation Accounts of 1933-34 on the civil works, made out the receipts that are coming in in respect of buildings in certain areas, and that he estimated the actual returns that are coming in in respect of those buildings ? Was not the attention of the Honourable Member drawn by anybody of his Department to those remarks ?

The Honourable Mr. D. G. Mitchell : I suggest Honourable Members wait and see the figures given in the reply before they ask supplementaries

Mr. S. Satyamurti : Are Government satisfied that they are getting an adequate return on the capital outlay on New Delhi ?

RETURN ON THE TOTAL CAPITAL COST OF SUKKUR BARRAGE.

137. ***Mr. S. Satyamurti :** Will Government be pleased to state what return on the total capital cost (including interest) of Sukkur Barrage they received during the years 1933-34 and 1934-35, stated as percentage on the total outlay ?

The Honourable Sir James Grigg : The figures for 1933-34 are given in Account No. 33 of the Finance and Revenue Accounts for that year, copies of which are in the library. The accounts for 1934-35 are not yet ready.

Mr. B. Das : Is the Bombay Government paying any interest on this loan ?

The Honourable Sir James Grigg : The Honourable Member had better look into the account first and then put supplementary questions.

Mr. S. Satyamurti : Have the respective liabilities of the Bombay Government of the new province of Sind, and of the Government of India in respect of this Sukkur Barrage, been settled ?

The Honourable Sir James Grigg : No, but I think they are in the process of being settled.

NEGOTIATIONS FOR A TRADE AGREEMENT WITH THE IRISH FREE STATE.

138. ***Mr. S. Satyamurti :** (a) Will Government be pleased to state how far the negotiations for a trade treaty have advanced with the Irish Free State ?

(b) What are the principal difficulties and objections ?

(c) Who is negotiating on behalf of the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Negotiations are still in progress.

(b) I am not yet in a position to make any statement on the subject.

(c) The High Commissioner for India is conducting the negotiations on behalf of the Government of India and under their instructions.

Mr. S. Satyamurti : For how long, have the negotiations been going on ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say exactly.

Mr. T. S. Avinashilingam Chettiar : What is the answer to clause (b) ?

The Honourable Sir Muhammad Zafrullah Khan : I am not yet in a position to make any statement on the subject as to what the difficulties are.

Mr. S. Satyamurti : What is the latest information with reference to answer to part (c) of the question ? I am not asking about difficulties, but I want to know what is the latest stage of these negotiations.

The Honourable Sir Muhammad Zafrullah Khan : The latest stage is that they are progressing and correspondence is being exchanged

Prof. N. G. Ranga : Do Government give any trade preference to the Irish Free State commodities ?

The Honourable Sir Muhammad Zafrullah Khan : The subject is being discussed and certain proposals are being examined by the Government of India.

Mr. S. Satyamurti : What is the regime today ? Are we giving any preference to Irish Free State goods ?

The Honourable Sir Muhammad Zafrullah Khan : Not so far as I am aware.

Prof. N. G. Ranga : Is the balance of trade in favour of India ?

The Honourable Sir Muhammad Zafrullah Khan : Heavily.

NEGOTIATIONS FOR A TRADE AGREEMENT WITH CANADA.

139. ***Mr. S. Satyamurti :** (a) Will Government be pleased to state how far the negotiations for a trade treaty have advanced with Canada ?

(b) What are the principal difficulties and objections ?

(c) Who is negotiating on behalf of the Government of India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The proposals of the Canadian Government are at present under the consideration of the Government of India ;

(b) I am not yet in a position to make any statement on the subject.

(c) The negotiations are being conducted by direct correspondence between the Governments of India and Canada.

Mr. S. Satyamurti : For how long, have these negotiations been going on ?

The Honourable Sir Muhammad Zafrullah Khan : For some months.

Mr. S. Satyamurti : When do they hope to finish ?

The Honourable Sir Muhammad Zafrullah : In the course of the next few months.

GOVERNOR GENERAL'S RECOMMENDATIONS WITH REGARD TO THE SUPPLEMENTARY DEMANDS UNDER THE GENERAL AND RAILWAY BUDGETS.

140. **Mr. S. Satyamurti :** Will the Honourable the Finance Member be pleased to state :

- (a) the date or dates of the Governor General's recommendations under section 67 of the Act with regard to the supplementary demands under the General and Railway budgets for the year ;
- (b) the form in which that recommendation is made ; and
- (c) whether a copy of the recommendations will be placed on the table of the House, and if not, why not ?

The Honourable Sir James Grigg : (a) There were no supplementary demands for Railways during the current year. The Governor General's recommendation for the supplementary demands under the General budget was obtained on the 4th April.

(b) and (c). This is purely a domestic matter and there is no specific form in which the recommendation is made. I would invite reference to the ruling given by the Chair on the 30th March, 1935, that a recommendation of the Governor General for a certain appropriation of revenues need not be communicated to the Assembly in a formal manner through the Chair.

Mr. S. Satyamurti : What is the informal manner in which they are usually communicated ?

The Honourable Sir James Grigg : That is a question on which the Honourable Member has already been answered.

Mr. S. Satyamurti : I want to know whether the recommendation is actually made. I want to know whether the Governor General at all makes the recommendation, or whether the Members of Government simply say that he has made the recommendation ?

The Honourable Sir James Grigg : The Honourable Member had better put that question to the legal authorities.

Mr. S. Satyamurti : I want to know, for the purpose of the enlightenment of this House, whether this recommendation was actually made by the Governor General as an obligation on the part of the authorities to the Members of this House ?

Sir Lancelot Graham : Our position remains unchanged. The actual publication of the blue book which contains the demands is evidence enough of the fact that a recommendation was made. I think you, Sir, were satisfied at the time, but I am sorry to say that we have not been able to satisfy my Honourable friend, Mr. Satyamurti. The endorsement of the recommendation of the blue book has been made merely to comfort my friend. It is quite unnecessary constitutionally.

ALLOTMENT OF CERTAIN SHARES OF THE RESERVE BANK TO THE EMPLOYEES OF THE IMPERIAL BANK OF INDIA.

141. ***Mr. S. Satyamurti :** Will the Honourable the Finance Member be pleased to state :

- (a) whether it is a fact that certain shares in the Reserve Bank were promised to the employees of the Imperial Bank of India, before or after the allotment to the general public ;
- (b) if so, how many and on what principle or authority ; and
- (c) whether it is a fact that shares which are refused to the general public are being allotted to the employees of the Imperial Bank, and if so, for what reasons ?

The Honourable Sir James Grigg : (a) No.

(b) Does not arise.

(c) No.

CREATION OF AN ADDITIONAL POST OF SECRETARY IN THE FINANCE DEPARTMENT.

142. ***Mr. S. Satyamurti :** Will the Honourable the Finance Member be pleased to state :

- (a) whether it is a fact that an additional post of Secretary, or Assistant, or Under Secretary is being created in the Finance Department of the Government of India ;
- (b) if so, for what reason ; and
- (c) whether it is not a fact that a not inconsiderable share of the work of the Finance Department has been taken over by the Reserve Bank ?

The Honourable Sir James Grigg : The Reserve Bank of India has taken over the currency functions of the Government of India which were previously performed by the Currency Department. The work of the Finance Department of the Government of India itself has not been appreciably affected by the inauguration of the Reserve Bank.

A post of Additional Secretary in the Department was created last winter in connection with the inauguration of the Reserve Bank. This post was held by Sir James Taylor till his appointment on the 11th February last as Deputy Governor of the Bank. It then lapsed. A post of Additional Secretary was again created with effect from the 29th March, 1935, and Mr. J. C. Nixon was appointed to it in order to deal with the special financial problems which arise in connection with the

creation of new Provinces and the inception of Provincial Autonomy, all of which is, of course, new work. It has been found necessary to afford Mr. Nixon some assistance, and Mr. K. C. Srinivasan, a Class II Officer of the Indian Audit and Accounts Service, has been placed on special duty in the Department for the purpose from the 24th July, 1935, for a period of three months. It is proposed further to appoint temporarily an Additional Under Secretary to meet the growth of work in the Department.

Mr. S. Satyamurti : Who sanctions these extra appointments ? Is it the Finance Department ?

The Honourable Sir James Grigg : I am afraid I do.

Mr. S. Satyamurti : May I take it, therefore, that the petitioner and the judge are the same in this case ?

The Honourable Sir James Grigg : Unfortunately, Sir, that is only too true.

Mr. S. Satyamurti : For how many years have these temporary appointments been going on in this Department ?

The Honourable Sir James Grigg : I am afraid my memory goes back only to 15 months.

Mr. S. Satyamurti : All this time, they have been having extra appointments ?

The Honourable Sir James Grigg : Most of the time.

Mr. S. Satyamurti : When do Government hope to have this Department reduced to its sanctioned strength, and not have these extra appointments ?

The Honourable Sir James Grigg : I should have thought from the views which the Honourable Member has expressed that the Finance Department ought to be strengthened and not weakened.

Mr. S. Satyamurti : Strengthened by the individuals becoming more intelligent and more efficient, and not by adding to the number of officers uselessly ?

The Honourable Sir James Grigg : How can that be done ?

NEGOTIATIONS FOR THE INDO-BURMAN TRADE AGREEMENT.

143 ***Mr. S. Satyamurti :** Will the Honourable the Commerce Member be pleased to state :

- (a) whether the negotiations for the Indo-Burman Trade Agreement have been completed ;
- (b) if not, at what stage they are at present ;
- (c) whether Government propose to place the matter before the Assembly during this session ; and
- (d) if not, why not ?

I do not want answers to parts (a) and (b), as they have already been answered.

The Honourable Sir Muhammad Zafrullah Khan : That is what I was going to say myself.

(c) and (d). The Honourable Member will have noticed that the agreement has been drawn up in the form of provisional draft Orders in Council. These Orders will not assume final shape till they have been considered by Parliament under the procedure laid down in sections 309 and 475 of the Government of India Act. The Government of India are, therefore, of opinion that no useful purpose would be served by these Orders being discussed in the House at this stage.

Mr. S. Satyamurti : Are Government of opinion that Parliament will not pay any weight to the opinion of this House, before confirming these draft Orders in Council ?

The Honourable Sir Muhammad Zafrullah Khan : I have not said that.

Mr. S. Satyamurti : Then why do Government say that no useful purpose will be served by discussing that matter in this House ?

The Honourable Sir Muhammad Zafrullah Khan : As these draft Orders in Council have not yet been issued, any opinion expressed at this stage could serve no useful purpose.

Mr. S. Satyamurti : May I take it, therefore, that Government propose that, after these draft Orders in Council are issued, and before they are confirmed by Parliament, this House will be given an opportunity to discuss these draft Orders in Council, and express its opinion on them ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot undertake to afford that opportunity.

Mr. S. Satyamurti : May I know the reasons why Government refuse to undertake the elementary duty of consulting public opinion in this country ?

The Honourable Sir Muhammad Zafrullah Khan : Government have in their possession a good deal of public opinion expressed on this subject in this country.

Mr. S. Satyamurti : Do Government think that this Assembly is not the best authority to express the public opinion of India on this vital matter ?

The Honourable Sir Muhammad Zafrullah Khan : I have not said that.

Mr. S. Satyamurti : Why, then, do Government not propose to give an opportunity to this Assembly to express its opinion on this matter ?

The Honourable Sir Muhammad Zafrullah Khan : I have explained my position.

Mr. S. Satyamurti : What is that position ?

The Honourable Sir Muhammad Zafrullah Khan : The position is that the matter is at a stage when it cannot be discussed in this House.

Mr. S. Satyamurti : Is it too early to discuss it ?

The Honourable Sir Muhammad Zafrullah Khan : There will be time enough for this House to express its opinion on the two agreements when they are issued as Orders in Council.

Mr. S. Satyamurti : I want to know if the Honourable Member proposes to consult this House after the agreement has been concluded and not before. Sir, you remember the history of this case. Are we to be treated in the same way again ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member, the Chair thinks, has answered that question.

Mr. S. Satyamurti : My question is whether Government propose to say that it is too early now to submit the agreement before this House, and they propose to submit it when it is too late ?

The Honourable Sir Muhammad Zafrullah Khan : The position of Government is that these agreements have been arrived at between the two Governments, and, therefore, any criticism of these agreements must wait till the question of their renewal arises.

Mr. S. Satyamurti : Therefore, Government do not believe in taking the opinion of this House before they make up their minds !

The Honourable Sir Muhammad Zafrullah Khan : They have already made up their minds and have published their views on the subject.

Mr. S. Satyamurti : And they cannot change their mind ?

The Honourable Sir Muhammad Zafrullah Khan : They can, and the House will not be too late in expressing its opinion with regard to any changes which may be suggested in those agreements.

Mr. T. S. Avinashilingam Chettiar : When does the Honourable Member expect to place these agreements before this House ?

The Honourable Sir Muhammad Zafrullah Khan : It will be open to the House to take proper steps to discuss these agreements once they are published as final agreements.

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member to the left continues to interrupt by his loud conversations, the Chair cannot follow the proceeding.

SUGGESTION *re* IMPOSITION OF A PROHIBITIVE DUTY ON ZANZIBAR CLOVES.

144. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have received a representation from the Imperial Indian Citizens' Association, Bombay, on the question of the recently passed decrees by the Government of Zanzibar ;
- (b) whether the Association suggested the imposition of a prohibitive duty on Zanzibar cloves so long as Indian grievances remain unredressed ; and
- (c) whether Government have considered their representation, and what action they propose thereon ?

Sir Girja Shankar Bajpai : (a) and (b). Yes.

(c) The representation is under the consideration of Government.

Mr. S. Satyamurti : With reference to the answer to part (c), do I understand the Honourable Member to say that they are considering all the representations, or the suggestion contained in part (b) of the question ?

Sir Girja Shankar Bajpai : I referred specifically to the suggestion contained in part (b) of the question.

Maulana Shaukat Ali : May I know whether, in considering the position of Indian settlers in Zanzibar, Government consider the position of Indian settlers to be more important than that of the original inhabitants of Zanzibar who have been doing this clove trade for several years ?

Sir Girja Shankar Bajpai : The protector of the original inhabitants of Zanzibar is the Government of Zanzibar, and I, therefore, cannot answer that part of the question which relates to the protection of the interests of the original inhabitants of Zanzibar. The Government of India are the protectors of Indian interests, and those interests are constantly receiving their attention.

Maulana Shaukat Ali : While the Indian settlers of Zanzibar complain of being exploited by the White European Settlers, there are also the original inhabitants of Zanzibar who are also exploited. If there is any discrimination made between the Indian merchants and other European merchants, Government are justified in taking action. Is it not the duty of the Government to see that the original inhabitants are not exploited by any outsider and that their interests also are not overlooked ?

Sir Girja Shankar Bajpai : I can assure my Honourable friend that the Government of Zanzibar will fully look after the interests of the original inhabitants of Zanzibar.

INDIAN MILITARY SERVICE FAMILY PENSION FUND.

145. ***Mr. F. E James :** (a) Will Government kindly state when the existing Indian Military Service Family Pension Fund (pre-war for regular officers of the Indian Army) was established ?

(b) What are the conditions of the Fund as to subscriptions and donations, and what are the pension and other benefits enjoyed by the families of subscribers ? When were these last determined ?

(c) When was this Fund closed to new entrants ?

(d) Do Government make any contribution to the Fund, or is it raised solely by the subscriptions of members and interest thereon ?

(e) What is the average rate of interest earned by the Fund, since it was closed to new entrants ? Has the interest thus earned been added to the capital of the Fund ?

(f) Are annual balance sheets published for the benefit of subscribers ? If not, why not ?

(g) When was the last balance-sheet published ?

(h) What is the total amount now standing to the credit of the Fund ? In what account and with what banks is that amount held ?

(i) What is the approximate present number of beneficiaries (1) actual and (2) contingent, and the total amount of pensions now being paid ?

(j) Is any actuarial valuation of assets and liabilities made periodically ? If so, what was the date and result of the last valuation ? If not, why not ?

(k) By whom and through what agency in India is the Fund administered ? Have the subscribers, as such, any direct voice or representation in the Fund ?

Mr. G. R. F. Tottenham : (a) 1st January, 1873.

(b) The information is available in Appendix I of Pension Regulations for the Army in India, a copy of which is in the Library. The rates of pension, etc., were last revised from 1st January, 1932.

(c) 1st January, 1915.

(d) The fund is raised solely by members' subscriptions and the interest thereon.

(e) The rates of interest since 1st January, 1915 are :

to 31st March, 1919	..	..	4 per cent.
1st April, 1919 to 31st October, 1928	..	5½ per cent.	
1st November, 1928, to 31st December, 1932	5	per cent.	
1st January, 1933, to 31st December, 1934	4½	per cent.	
Average annual rate 4.977 per cent.			

Interest, so far as it is not required for payment of current pensions, is added to the balance each half year.

(f) Yes.

(g) In November, 1934, giving the accounts for the year ending 31st March, 1934.

(h) £6,600,369-18-10 on 31st March, 1934, the last completed year for which figures are available.

The balance forms part of the general balances of the Government of India to which contributions are credited and pensions charged.

(i) As at 31st March, 1934 :

Actual	..	Widows	..	..	..	1,592
		Sons	..	..	..	205
		Daughters	..	..	..	1,018
Contingent		Wives	..	..	..	2,931
		Sons	..	..	..	1,376
		Daughters	..	..	..	2,003

Pensions paid during 1933-34 amounted to £313,729.

(j) Yes, every five years. The report of the Actuary on the last valuation was published in the Gazette of India, Army Department notification No. 672, dated the 14th November, 1931.

(k) The fund is administered by the Secretary of State for India but the accounts of receipts and payments made in India are maintained by the Controller of Army Factory Accounts. Though the Secretary of State for India in Council has reserved to himself the absolute right to

make any alterations in the regulations of the Fund, it is his practice to obtain the wishes of the subscribers before any major alteration is carried out.

Mr. F. E. James : May I ask whether copies of the annual reports are made available to all subscribers and beneficiaries ?

Mr. G. R. F. Tottenham : Yes, Sir.

Mr. F. E. James : In view of the fact that the fund is raised solely from the subscriptions of members and interests thereon, will the Government of India represent to the Secretary of State the desirability of early appointment of Commissioners under section 273 of the Government of India Act and the removal of the fund from the general balances of the Government of India ?

Mr. G. R. F. Tottenham : A reference to the new Government of India Act which the Honourable Member has quoted makes it clear that the initiative in that matter must come from the beneficiaries of the fund. It is not for the Government to take the initiative.

Captain Sardar Sher Muhammad Khan : Is there any scheme under the consideration of the Government of India to open this fund to officers recruited from the Indian Military Academy ?

Mr. G. R. F. Tottenham : Not this fund. This fund was closed in 1915.

Captain Sardar Sher Muhammad Khan : Will Government create this sort of fund for the regular officers of the Indian army ?

Mr. G. R. F. Tottenham : I have no doubt that such arrangements will be made.

NUMBER OF EXCESS OFFICERS AND SUBORDINATES ON STATE RAILWAYS.

146. ***Mr. Muhammad Azhar Ali :** (a) Is it a fact that in the Report by the Railway Board on Indian Railways for 1933-34, Volume I, under the caption ' Staff ', it has been stated :

" It will be noticed from the statement that during the year no appointments were made in the gazetted ranks of State-managed railways, mainly on account of financial stringency and excess of officers in certain departments in consequence of abolition of a number of posts during the years 1931-32 and 1932-33 " ?

(b) If the answer to part (a) be in the affirmative, will Government please state :

- (i) the number of excess officers ;
- (ii) the railways on which these excesses are ;
- (iii) the number of excess subordinates ; and
- (iv) the railways on which these excesses are ?

(c) If there be no excess among subordinates, will Government please state why this distinction in treatment has been made to these servants of the Crown in India ?

Mr. P. R. Rau : (a) Yes

(b) and (c). Excesses existed in the superior services but were counterbalanced by vacancies in the Lower Gazetted Service ; and there

were no excesses among gazetted officers as a whole. The number of subordinates who were in excess of requirements varied from time to time. Every effort was made to absorb surplus subordinate staff but owing to the large number of such staff as compared with vacancies many of them had to be discharged.

INCREASE IN THE BRITISH IMPORTS INTO INDIA.

147. **Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether it is true that the British imports into India have increased since 1932 ? If so, by how many crores ?

(b) What are the reasons for this increase ?

(c) Is it mainly due to the Ottawa Agreement ?

(d) Have the Indian exports to Britain increased ? If so, by what amount ?

(e) Is it true that the export trade of India with other countries has suffered since the Ottawa Agreement ?

(f) If so, are Government prepared to consider the advisability of terminating the Ottawa Agreement and forming new trade agreements with other countries ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (f). The Honourable Member's attention is invited to the Annual Statement of the Sea-borne Trade of British India for the fiscal year ending the 31st March, 1934, Volume II, and the Accounts relating to the Sea-borne Trade and Navigation of British India for March, 1935, copies of which are in the Library of the Legislature.

(b), (c) and (e). Government do not propose to offer an opinion on these questions pending the discussion of the results of the Ottawa Agreement which has been promised for next Budget Session.

(f) Does not arise.

Mr. T. S. Avinashilingam Chettiar : What is the reply to the second part of (a) ?

The Honourable Sir Muhammad Zafrullah Khan : All this information is available in the published statements.

Prof. N. G. Ranga : Is it or is it not true that British imports into India have increased since 1932 ? The Honourable Member has not given a reply to that part.

The Honourable Sir Muhammad Zafrullah Khan : It is a matter of figures, and the Honourable Member can make the calculation himself.

Prof. N. G. Ranga : The Honourable Member representing Government is expected to have made the calculation and given a direct answer to the question, whether it is true or not that British imports have increased.

The Honourable Sir Muhammad Zafrullah Khan : I do know the results from the information contained in the published Annual Statements just as it is possible for the Honourable Member to know the results from the same statements. It is for them to draw their own

conclusions. If the statistics say that the one is 5 and the other is 7, then they could surely make a deduction and reply that the result is 2.

Mr. T. S. Avinashilingam Chettiar : I want to have a definite answer, " Yes ", or " No ", to my question whether the imports have increased ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is referring him to the publications. He can find out the answer.

Mr. T. S. Avinashilingam Chettiar : Then, how to put supplementary questions ?

Mr President (The Honourable Sir Abdur Rahim) : Afterwards

REFUSAL OF SANCTION BY THE GOVERNOR GENERAL FOR THE INTRODUCTION OF A BILL TO AMEND THE BOMBAY PORT TRUST ACT.

148. ***Mr T S Avinashilingam Chettiar :** (a) Will Government state whether they are aware that Mr. L R Tairsee, Member of the Bombay Legislative Council, had given notice of a Bill to amend the Bombay Port Trust Act so as to secure the appointment of an Indian as the Chairman of the Bombay Port Trust and that he had asked for the previous sanction of the Governor General ?

(b) Is it a fact that the Governor General has refused to give sanction for the introduction of the Bill ?

(c) Has the Indian Merchants' Chamber, Bombay, sent up a memorandum to Government in this connection ?

(d) What reply have Government given ?

The Honourable Sir Nripendra Sircar : (a) and (b) Yes.

(c) Yes.

(d) A copy of Government's reply is laid on the table.

No. 232-P. & L. (5)|35.

GOVERNMENT OF INDIA.

DEPARTMENT OF COMMERCE.

Simla, the 18th July, 1935.

FROM

H. DOW, ESQUIRE, C.I.E., I.C.S.,
Joint Secretary to the Government of India,

TO

THE SECRETARY,
INDIAN MERCHANTS' CHAMBER,
JEHANGIR WADIA BUILDING,
ESPLANADE ROAD, FORT, BOMBAY.

SIR,

I am directed to reply to your letter No 1477 of the 12th June, 1935 In that letter you ask Government to define their attitude with regard to legislation recently proposed by a member of your Chamber to render compulsory the appointment of an

Indian to the post of Chairman of the Bombay Port Trust. You further request that measures be taken to secure that all Port Trusts in India, and the Bombay Port Trust in particular, should have a majority of Indian trustees.

2. As regards the first point, I am to point out that the reasons of the Governor General for refusing assent to the introduction of a Bill under sub-section (3) of Section 80A of the Government of India Act cannot be called in question and are not open to discussion. The Government of India, however, have no difficulty in defining their own attitude to the general question. They consider that it would be contrary alike to public policy and to the interests of the port to make a statutory provision that Chairman of Port Trusts should be appointed on racial grounds. In this connection I am also to invite your attention to Section 111 (1) of the Government of India Bill which is now before Parliament.

3. As you point out, the Bombay Port Trust Act was amended as recently as 1922 in order to give wider representation to Indian business interests. It is the policy of Government to see that, in the constitution of Port Trusts, due weightage is given to all important interests concerned in the welfare of the trade of the Port, and, so far as the elected element is concerned, Government are not aware of any recent changes in relative interests of such importance as to make a further adjustment again necessary. At the same time, there seems no reason to doubt that, *pari passu* with the progress of Indianisation in Government services, those interests which have to rely on nomination by the Local Government will be increasingly represented by Indians.

4 The considerations given above apply equally to other Port Trusts in India, with regard to which also you will realise that Government must give greater weight to expressions of local opinion than to the views of your Chamber.

I have the, etc.,

(Sd.) H. DOW,

Joint Secretary to the Government of India.

Mr. T. S. Avinashilingam Chettiar : What are the grounds on which sanction was refused ?

The Honourable Sir Nripendra Sircar : The grounds are contained in the copy of the letter which I have laid on the table.

Mr. S. Satyamurti : Do Government consider that, to reserve the Chairmanship of a Port Trust to an Indian in his own country, is racial ? It is never considered racial in any other country. What are the racial considerations involved in this, please ?

The Honourable Sir Nripendra Sircar : They are to be found in the letter which I have laid on the table.

Mr. S. Satyamurti : I have read that letter where it is said that to give sanction to a Bill of this kind will mean raising racial considerations. I am asking the Government for a statement of the reasons as to why they consider reserving the Chairmanship of an Indian Port Trust to an Indian in his own country will raise racial considerations. I have never heard of such a proposition anywhere in the world

The Honourable Sir Nripendra Sircar : The reasons have been stated in that letter. My Honourable friend is entitled to draw an opinion opposite to that which has been drawn by others

Mr. S. Satyamurti : What is the opinion of the Government of India on which they base this statement that reserving the Chairmanship of an Indian Port Trust for Indians will raise racial considerations ?

The Honourable Sir Nripendra Sircar : That is contained in the letter. There is nothing further for me to add.

Mr. S. Satyamurti : There is nothing in that letter. *Zero plus Zero* is *Zero*.

The Honourable Sir Nripendra Sircar : That is a matter for opinion, whether it is zero or one hundred.

DIRECT REPRESENTATION OF INDIANS ON THE FIJI CENTRAL LEGISLATURE.

149. ***Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether it is a fact that the Central Legislature of the Fiji Islands has deprived Indians of their rights enjoyed till now in regard to direct representation on the Legislature ?

(b) Has the Indian Association approached the Colonial Office with an appeal to protect the Indian interest ?

(c) What action have Government taken in this matter ?

Sir Girja Shankar Bajpai : (a), (b) and (c). The Honourable Member presumably refers to a Resolution passed by the Fiji Legislative Council, recommending that for the system of election to the Legislative Council, the system of nomination should be substituted. The Indian Association, Fiji, have made representations against this proposal to the Colonial Office. The Government of India will consult the Standing Emigration Committee of the two Houses of the Central Legislature and then communicate their views to the Colonial Office.

Mr. T. S. Avinashilingam Chettiar : Has the Resolution come into effect ?

Sir Girja Shankar Bajpai : The Resolution has not come into effect. As a matter of fact, the dissolution of the Legislative Council has been postponed by one year in order to enable this question to be considered.

Mr. Sri Prakasa : Is it a fact that the Government of Fiji have decided to take over the municipalities of Suva and Levuka ?

Sir Girja Shankar Bajpai : There is a question on that subject down on the order paper. When that comes up, my Honourable friend will, I hope, get satisfaction.

BENEFIT OF POOR RELIEF TO THE INDIANS IN NATAL.

150. ***Mr. T. S. Avinashilingam Chettiar :** (a) Are Government aware that the Finance Minister of Natal has stated, in his reply to the recent representation by the Natal Indian Congress for the extension of the benefit of poor relief to the Indian cases, that it is not possible to introduce legislation to include Indians under the Old Age Pension Scheme which applies to Europeans ?

(b) Have Government made any representations to the Government of Natal in this matter ?

(c) If so, what is the result of such representations ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). The Minister promised to do what he could to see that some provision was made for aged and indigent Indians. No representations were considered necessary after this assurance.

Mr. T. S. Avinashilingam Chettiar : What is the result of the representations ?

Sir Girja Shankar Bajpai : They are still under consideration.

DEVALUATION OF INDIAN CURRENCY.

151. ***Mr. T. S. Avinashilingam Chettiar :** (a) Are Government aware that most of the countries of the world have been devaluating their currencies ?

(b) Are Government aware that through devaluation they have been seeking to give an encouragement to their export trade ?

(c) Are Government aware that the export trade of India has considerably suffered because of this policy of devaluation adopted by other countries ?

(d) Do Government intend to devalue the Indian currency to counteract the harm done by the devaluation of currencies by other countries ?

The Honourable Sir James Grigg : (a) Government are aware that the currency of some countries has been devalued.

(b) The devaluation was in most cases occasioned by the absolute impossibility of preserving the old parties and not by a deliberate act of policy having for its object the encouragement of export trade.

(c) This is a matter of opinion.

(d) Certainly not. I can imagine nothing more damaging to the true interests of India, particularly those of the cultivator.

DEFICIT IN THE RAILWAY BUDGET.

152. ***Mr. T. S. Avinashilingam Chettiar :** (a) Are Government aware that the actuals in the Railway Budget estimate for the current year are much below the estimates for the year ?

(b) What is Government's revised estimate for the year ?

(c) Do Government expect to have a deficit ? If so, by what amount, and how do they propose to meet the deficit ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) It is too early to frame a revised estimate.

(c) The budget estimates anticipated a deficit of about two crores, but they were based on the assumption that our earnings would be about three crores better than last year. As, however, the earnings for the first four months are below last year's, it is likely that, unless the position improves, the deficit in the year will be considerably more than anticipated. Any deficit that is ultimately found to exist will be met by temporary borrowings from the Depreciation Fund ; but I may add that railway administrations have been asked to reduce working expenses wherever possible and to examine every possibility of increasing revenue.

Mr. T. S. Avinashilingam Chettiar : Do they propose to impose a cut in salaries again ?

The Honourable Sir Muhammad Zafrullah Khan : There is no such proposal at present under consideration.

Mr. S. Satyamurti : Have Government heard from the Railway administrations, in answer to their exhortation to reduce working expenses and to increase the revenue ?

The Honourable Sir Muhammad Zafrullah Khan : A meeting was held between the Honourable the Finance Member, the Agents of Railways, the Members of the Railway Board and myself some time ago when this question was discussed and tentative suggestions were made. The Agents were asked to consider those suggestions in detail and any others that might occur to them or be sent to them, and the question will be more fully discussed with the Agents next October.

Mr. S. Satyamurti : Have Government considered the particular question of rail-road competition, in respect specially of passenger traffic ?

The Honourable Sir Muhammad Zafrullah Khan : That is also one of the questions that is being considered.

Mr. S. Satyamurti : Have Government decided that, if there is a deficit next year, they will raid the depreciation fund again ? Have they consulted the Finance Department and have the Finance Department any voice in the matter ?

The Honourable Sir Muhammad Zafrullah Khan : I have answered that question in reading out my written answer.

Mr. S. Satyamurti : Have Government come to their conclusions, after consulting the Finance Department ?

The Honourable Sir Muhammad Zafrullah Khan : Government includes the Finance Department.

Prof N. G. Ranga : Was the suggestion ever considered of offering better facilities for third class passengers and making third class travelling more popular ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Government have considered that.

Mr. S. Satyamurti : Have Government taken any steps to see that the third class passenger is made a welcome visitor, and not an unwelcome stranger who is not wanted on the railways ?

The Honourable Sir Muhammad Zafrullah Khan : They are constantly considering the comfort and convenience of third class passengers and making such improvements as are possible.

Mr. S. Satyamurti : What are the recent improvements made ?

The Honourable Sir Muhammad Zafrullah Khan : One of the recent improvements contemplated is a new type of third class carriage which is in course of construction and which Honourable Members or such of them as are interested will be invited to examine in the cold weather at Delhi.

Seth Govind Das : Do Government really know what are the difficulties of third class passengers ?

The Honourable Sir Muhammad Zafrullah Khan : They are being constantly told.

Mr. Sri Prakasa : Does not the Honourable Member think that the best way of making third class carriages popular is to ask the high officers of Government to travel third class and give them only third class travelling allowances ?

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

The Honourable Sir Muhammad Zafrullah Khan : May I answer that question, Sir ?

Mr. President (The Honourable Sir Abdur Rahim) : It is not necessary.

The Honourable Sir Muhammad Zafrullah Khan : I did travel third-class myself last March, to find out

DEPRECIATION ALLOWED UNDER THE INCOME-TAX RULES.

153. ***Mr. T. S. Avinashilingam Chettiar :** (a) Will Government state whether it is true that under the Income-tax Rules, a definite sum of five per cent. is allowed on machinery for depreciation ?

(b) Is it a fact that this five per cent. is calculated on the basis that the machinery will last for twenty years, under the presumption that it is worked only during day ?

(c) Are Government aware that many of the cotton-mills, factories and others are being worked both during day and night, and yet a depreciation of only five per cent is allowed by the Income-tax authorities ?

(d) Is it true that under the British Income-tax Law, depreciation is allowed on machineries according to the number of hours of working ?

(e) Are Government prepared to consider introducing in Indian Income-tax law the same principle allowing a depreciation according to the hours worked by the machineries concerned ?

Mr. A. H. Lloyd : (a) No. There is a variety of rates ranging from five per cent. to 25 per cent. but the general rate for unspecified machinery is 5 per cent.

(b) It is not a fact that the presumption mentioned by the Honourable Member has been made in estimating the probable life of different classes of machinery.

(c) Yes, except in cases where the prescribed rate of allowance exceeds 5 per cent.

(d) There is no such provision in the British law ; but I understand that in practice the Commissioners have allowed increased depreciation in the case of certain particular industries or particular mills in which unusually long hours have been worked. The industries affected do not include the cotton textile industry.

(e) Government have the whole question under consideration.

Mr. T. S. Avinashilingam Chettiar : On what basis is the rate of five per cent. allowed ?

Mr. A. H. Lloyd : Roughly on the basis that the machinery will probably last for 20 years.

Mr. T. S. Avinashilingam Chettiar : When a greater amount of work is done in mills, etc., as mentioned in clause (c), will Government consider a greater percentage of depreciation ?

Mr. A. H. Lloyd : I have answered that question in my reply to part (e) of the question

RECRUITMENT OF PROBATIONERS IN THE TRAFFIC DEPARTMENT OF THE CALCUTTA PORT TRUST.

154. ***Mr. Basanta Kumar Das :** (a) Will Government be pleased to state whether it is a fact that towards the end of the year 1929, the Commissioners for the Port of Calcutta appointed probationers in their Traffic Department in order to train them up for the officers' posts ?

(b) Were probationers in the Traffic Department of the Calcutta Port Trust appointed in the years 1930 to 1934 ?

(c) If the answer to parts (a) and (b) be in the affirmative, how many such probationers were taken in, and what different nationalities and religions do they belong to ? What are their respective qualifications and on what emoluments were they appointed ?

(d) Did the Port Trust authorities while recruiting these probationers have in view the object of absorbing them in the permanent establishment against probable vacancies which were anticipated to occur by the time the probationers completed their period of training ?

(e) What was the period of training prescribed for these probationers ?

(f) How many probationers completed their period of training in the years 1930, 1931, 1932, 1933 and 1934 ?

(g) Did any vacancy, or vacancies, occur or were any new posts created in the senior rank of Calcutta Port Trust services in the Traffic, as also in other Departments, such as Marine and Engineering, in the years 1930, 1931, 1932, 1933 and 1934 ? If so, how many of these vacancies and posts were filled up by probationers who completed their period of training ?

(h) If none of the probationers were appointed in any of the vacancies or posts in the senior rank of the Port Trust services in the Traffic or in other Departments, will Government be pleased to state the reason why they were not appointed ?

(i) Is it a fact that of the candidates from all over India who applied for appointment as 'Traffic Probationers' on that occasion, those who were, after a preliminary elimination, asked to appear before a Board for final selection were paid second class fare from their respective stations to Calcutta and back ? If so, how many of the candidates living outside Calcutta were granted interviews, and what was the amount spent on their travelling allowances ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) Eight probationers were appointed in 1934.

(c) A statement containing the information asked for is laid on the table.

(d) Yes.

(e) Three years with the possibility of the period being extended to four years.

(f) 1930 and 1931—none.

1932—Six.

1933 and 1934—none.

(g) and (h). Vacancies in senior ranks did occur, but none of these were filled by probationers as they were not qualified to fill senior posts. No new posts were created in the senior ranks of the Traffic Department. Traffic probationers had no qualifications for posts in the Marine and Engineering branches.

(i) Yes. Twenty-six candidates were interviewed. Second class fares to and from Calcutta were given to candidates who came from outside Calcutta, but it is not possible now to give the total amount spent on travelling allowance, as a detailed investigation of old records would require to be made, involving an expenditure of time and labour that would be entirely incommensurate with the value of the results obtained.

Statement showing the qualifications, nationality, etc., of the probationers recruited in the Traffic Department of the Calcutta Port Commissioners.

PROBATIONERS APPOINTED IN 1929.

Educational qualifications.	Nationality.	Religion.
B. A.	Indian	Hindu.
Senior Cambridge	Anglo-Indian	Christian
B. Sc.	Indian	Hindu.
Senior Cambridge	Anglo-Indian	Christian.
B. Sc.	Indian	Hindu.
B. Sc.	Indian	Muslim.
Senior Cambridge	Anglo-Indian	Christian.

PROBATIONERS APPOINTED IN 1934.

B. A.	Indian	Hindu.
B. A.	Anglo-Indian	Christian.
B. A.	Indian	Sikh.
Senior Cambridge	Anglo-Indian	Christian.
Matric	Indian	Hindu.
I. A.	Anglo-Indian	Christian.
B. A.	Indian	Hindu.
Senior Cambridge	Anglo-Indian	Christian.

All 15 probationers were appointed on a salary of Rs. 100—50—200 per mensem.

Mr. Basanta Kumar Das : With regard to part (2) of the question,
12 Noon. how many of those who came from outside were appointed ?

The Honourable Sir Muhammad Zafrullah Khan : I have no information at present . if the Honourable Member is anxious to have the information, I shall obtain it for him, if it is readily available.

MOTIONS FOR ADJOURNMENT.

INTERESTS OF INDIANS CONCERNED IN ZANZIBAR.

Mr President (The Honourable Sir Abdur Rahim) . I have received notice of a motion for adjournment from Pandit Govind Ballabh Pant : he proposes to ask for leave to move for an adjournment of the business of the House today with a view to discuss a matter of urgent public importance, namely, the extension of the moratorium by the Zanzibar Government and the failure of the Government to safeguard the interests of Indians concerned in Zanzibar Have Government anything to say in the matter ?

The Honourable Sir Nripendra Sircar (Leader of the House) : If I might make a submission.....

Mr. F. E. James (Madras European) . May I rise to a point of order ? It has been unfortunately quite impossible for Members on this side of the House to hear what the adjournment motion is on. I wonder, Sir, if you would be so kind as to explain to us what the motion is.

Mr. President (The Honourable Sir Abdur Rahim) : I will read it again : there is already a notice of an adjournment motion regarding the accoustics of the House But I shall read out this motion again : it is that the business of the House be adjourned for the purpose of discussing a matter of urgent public importance, namely, the extension of the moratorium by the Zanzibar Government and the failure of the Government to safeguard the interests of Indians concerned in Zanzibar.

The Honourable Sir Nripendra Sircar : Sir, I say that if the matter is forced on us today, I have certain objections : but I am proposing a course which can only be sanctioned by the Chair : I understand my Honourable friend has no objection to it or rather he would like it : I have no objection to this matter coming on on Monday, reserving to myself the liberty to raise such objections as I may be advised—such objections as I might have taken today. I find that the Chair has power to do that and it has been done on previous occasions If you agree with this course, you might let this stand over till Monday, because there is some chance of our coming to some kind of arrangement : if it is not, then the motion could be disposed of then

Mr. President (The Honourable Sir Abdur Rahim) : It is very unusual to adjourn a motion of this sort for several days : I know what has been done before . it has been taken up the next day or the day after—so far as I can recollect . but, so far as I am aware, there is nothing in the rules to prevent me from doing it, and if the Honourable Member, who has given notice of the motion, has no objection, I shall take it up on Monday, and I shall hear any point of order or any objection that may be raised then.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadian Rural) : I have no objection, and I expect that the occasion for raising objections will not arise.

ACOUSTICS OF THE ASSEMBLY CHAMBER IN SIMLA.

Mr. President (The Honourable Sir Abdur Rahim) : As regards the other motion, several complaints have been made to me regarding the acoustics of this House : we are all familiar with the difficulties of making ourselves heard to the more distant parts of the House. This is a difficulty which has been experienced all along, and the matter has been under consideration whether anything can be done to improve the position, and I am hoping that before the next Session at any rate something will have been done and that the Government will help the Assembly in this matter. In the meantime, I may announce to the Members of this House that if any Member who is sitting far away wishes to speak, he may come closer to the seats available lower down.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadian Rural) : What about hearing, Sir ? What about those who want to hear the Honourable Members sitting in front ? We want a ruling in respect of that.

Mr. President (The Honourable Sir Abdur Rahim) : Nothing more can be done now.

ELECTIONS OF MEMBERS TO THE STANDING COMMITTEE ON PILGRIMAGE TO THE HEDJAZ AND THE STANDING COMMITTEE FOR ROADS.

Mr. President (The Honourable Sir Abdur Rahim) : I have to inform the Assembly that upto 12 noon on Wednesday, the 4th September, 1935, the time fixed for receiving nominations for the Standing Committee on Pilgrimage to the Hedjaz and the Standing Committee for Roads, one nomination for each of the Committees was received. As there is only one vacancy in each of the Committees, I declare Khan Sahib Shaikh Fazl-i-Haq Piracha and Pandit Lakshmi Kanta Maitra to be duly elected to the Standing Committee on Pilgrimage to the Hedjaz and the Standing Committee for Roads, respectively.

THE CRIMINAL LAW AMENDMENT BILL.

The Honourable Sir Henry Craik (Home Member) : Sir, I must begin

Sardar Sant Singh (West Punjab : Sikh) : May I rise to a point of order in this connection ? The copy of the Bill that was introduced in this House some days back contains a mere reference to certain sections of the Criminal Law Amendment Act of 1932. May I know if Honourable Members of this House wishing to propose certain amendments to the various sections—will those amendments be directed to the Act which has not yet expired or will the amendments be directed with reference to the clauses there ?

Mr. President (The Honourable Sir Abdur Rahim) : That question does not arise at present : when the time comes, the Honourable Member can raise his point.

The Honourable Sir Henry Craik : I was going to say that I owe an apology to the House for the somewhat unintelligible form of the Bill which I am asking it to take into consideration. But that is the worst of amending and consolidating Bills, that they are not intelligible unless they are read in connection with the original Acts. I have, however, made arrangements that copies of the original Acts, that is the Emergency Press Act of 1931 and the Criminal Law Amendment Act of 1932, should be placed in the hands of Honourable Members, and I hope that those are now in the possession of all Honourable Members.....

Some Honourable Members : Not all Members : only half.

The Honourable Sir Henry Craik : I can only regret that, but I have done my best, and I think probably more copies will be available today. Meanwhile, I might venture to suggest that if Honourable Members would follow my observations by the Act of 1932, they will, I think, be able to find them intelligible.

The House is aware that the Criminal Law Amendment Act, passed in 1932, expires about three months hence. The Bill which I am now asking the House to take into consideration proposes to renew most but not all of the provisions of that Act. It adds nothing new to that Act. I am very conscious that in inviting the House to share the responsibility of renewing those provisions I am asking it to undertake a very real responsibility ; but I would ask the House to believe that we should not have made this request had we not been honestly convinced that we should have been false to our own responsibility if we had decided to take what would obviously have been a far easier course . . .

Sardar Sant Singh : What is the motion before the House ?

The Honourable Sir Henry Craik : I will move it at the end of my speech : I was saying that we would have been false to our own responsibility if we had decided to take what would obviously have been a far easier course and decided to discard the weapons which the present Act provides for dealing with movements which threaten the peaceful progress of India.

Sardar Sant Singh : What is the motion before the House ?

The Honourable Sir Henry Craik : The motion before the House is that the Bill be taken into consideration. I can move it at the end of my speech.

Sardar Sant Singh : In that case, I will be deprived of the opportunity of raising my point of order.

Mr. President (The Honourable Sir Abdur Rahim) . That is the usual practice

Sardar Sant Singh : If he moves it at the end of his speech, then I cannot move . . .

Mr. President (The Honourable Sir Abdur Rahim) . What is the Honourable Member's point of order ?

Sardar Sant Singh : My point is that there is no proper Bill before the House.

Mr. President (The Honourable Sir Abdur Rahim) . Then the Honourable Member ought to have objected at the introduction stage.

Sardar Sant Singh : The convention is not to oppose a Bill at the introduction stage. Now, there is no proper Bill before the House.

Mr. President (The Honourable Sir Abdur Rahim) : What is the meaning of "no proper Bill before the House" ?

Sardar Sant Singh : My submission is that the Bill is framed in such a way,—for instance, I will read clause 2 of the Bill. It says :

"Sub-section (2) of section 1 and sections 2, 3, 4, 5, 8, 15, 17 and 20 of the Criminal Law Amendment Act, 1922, are hereby repealed."

Then, clause 4 says :

"In sub-section (1) of section 1 of the Criminal Law Amendment Act, 1922, the words and figures....."

Mr. President (The Honourable Sir Abdur Rahim) : What is the objection ?

Sardar Sant Singh : My objection is that, during the Second Reading stage, if Honourable Members of this House wish to propose certain amendments, it will not be possible for them to do so in the absence of the wording of the clauses that are not given in the Bill itself. We cannot, of course, be expected to propose amendments to the sections of an Act that has not yet expired.....

Mr. President (The Honourable Sir Abdur Rahim) : The Chair does not think that is a proper objection.

Sardar Sant Singh : Sir, the Act has not expired yet.

Mr. President (The Honourable Sir Abdur Rahim) : All the Chair can say at present is that the Honourable Member must make his best attempt to frame any amendment he likes, and, if he finds any difficulty, he can ask for a ruling from the Chair as to whether the form adopted by him is in proper form or not.

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadian Rural) : I rise to a point of order, Sir. At page 27 of the Legislative Manual of Business and Procedure, in paragraph 76, it is stated—I am referring to the proviso at the bottom of the page :

"Provided that no such motion shall be made until after copies of the Bill have been made available for the use of Members, and that any Member may object to any such motion being made unless copies of the Bill have been so made available for three days before the day on which the motion is made."

My objection is this, that the motion is being made today, and three days before today copies of the Bill were not made available.....

Mr. President (The Honourable Sir Abdur Rahim) : The Chair understands copies of the Bill were placed on the table on the morning of the second.

Mr. Mohan Lal Saksena : No doubt, a copy of the Bill was made available on the morning of the second, but my submission is this, it is not three days, and the Bill is not complete by itself, because it relates to another Act which is made available only today, and only a few Honourable Members have got copies.....

Mr. President (The Honourable Sir Abdur Rahim) : The Chair does not think there is any substance in the point of order. The Bill was made available on the morning of the second.

The Honourable Sir Henry Craik : The Act of 1932 was admittedly directed mainly, but not entirely, against the Civil Disobedience Movement. In putting it before the House in 1932, Sir Harry Haig made it quite clear that Government had in mind not only the Civil Disobedience Movement, but two other threats to peaceful progress, namely, terrorism and Communism. To these I would like to add what now seems to be an even more dangerous threat, and that is the baneful shadow of communal dissension. That evil is, to our deep regret, becoming day by day a graver menace to the peace of the country. It is against these three dangers, terrorism, Communism and communal unrest, as well as against Civil Disobedience, that the existing Act provides most necessary safeguards, and we should be acting contrary to our convictions, and, in our view, endangering the peace of the country, if we had decided to relax these safeguards so long as the triple menace in question is still in existence....

An Honourable Member : Quadruple.

The Honourable Sir Henry Craik : Triple, I think.

An Honourable Member : Civil Disobedience.

The Honourable Sir Henry Craik : I am coming to Civil Disobedience. As regards Civil Disobedience, it is, of course, accepted that the movement has been suspended. I have the highest authority, that of the Congress President himself, for the statement that while it has been suspended, it has not been stopped.....

An Honourable Member : Thank God.

The Honourable Sir Henry Craik : But certain manifestations of that movement have now been quiescent for a long time, and it is for this reason that we have decided to drop those sections of the existing Act that are directed particularly against such manifestations, but at the same time we cannot ignore the possibility that there may be a revival of Civil Disobedience in the comparatively near future. That is another possibility in addition to the triple menace to which I have referred which we have constantly to bear in mind.

Sir, before coming to the actual details of the Bill, I think I owe it to the House to explain why my motion is for consideration and not for reference to a Select Committee. For one thing time is an important consideration, though not, I quite admit, the conclusive consideration, but my main reason for not suggesting that the Bill should be referred to a Select Committee is the fact that while we are dropping certain provisions of the existing law, we are not adding in any way to the existing law,—our Bill includes nothing whatever that is new. Now the provisions of the existing law have of course been before the country for the last three years, and all interested in the question, directly or indirectly, must be familiar with those provisions. The existing Act was discussed at very great length in this Assembly in 1932. The discussion lasted, I think, for no less than 19 days, apart from the discussion in the Select Committee. In these circumstances, we do not consider that it is desirable or necessary that this Bill should be committed to a Select Committee to be considered in detail. We think it preferable that consideration should take place before a Committee of the whole House.

Sir, the first operative clause of the Bill is that which repeals certain sections of the Criminal Law Amendment Act of 1932, and perhaps the

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most important and certainly the most contentious of these is the sub-clause which repeals the sub-section of the Act of 1932 which limited the duration of that Act to three years, or, in other words, the sub-clause which proposes to give permanency to those measures which we suggest should be retained. The House will, of course, expect some justification of that proposal. It may be argued, and no doubt will be argued, that if the Act of 1932 was limited in its duration to three years, why should it be now considered necessary to make part of the Act permanent? In the first place, I would like to remind the House that the Act of 1932, when introduced in the form of a Bill, was designed to be permanent. It was only in its passage through the Select Committee that Government accepted the proposal that its duration should be limited. Events have proved, in our view though I have no doubt not in the view of Honourable Members opposite, that the period given was not, in fact, long enough. Then there is the general consideration that temporary legislation designed to counter subversive movements must have this unsatisfactory feature, that it encourages those who are promoting such movements to cherish the hope that the time will come when their unlawful activities can be resumed. There is no inducement for them to drop plotting and planning for the future. There is, in fact, no inducement for them to bring about what we so ardently desire, and that is a change of heart. On the other hand, a permanent Act can always be repealed if the Government and the Legislature are satisfied that it is no longer required. Now, Sir, that of course is a general consideration with which no doubt all will not agree. And it is not really our primary or main reason for proposing to give this Bill permanency. Our main reason is that of the three dangers to which I have referred, terrorism, communal unrest, and the communist movement, it is impossible to foresee any reasonable period of time within which, at any rate, the first two of these will not be a serious menace to the public peace. The terrorist movement has now been in existence for over thirty years, and though I admit that there has been some improvement recently in this respect, at any rate in Bengal, partly owing to the sterner measures adopted to deal with it, and, partly, I gladly acknowledge, owing to the revulsion of public opinion against the movement, yet the movement is still active and is still drawing recruits and it is impossible at present for us to relax any of our more important precautions. In the last three or four months, there have been several murders and attempted murders—I am speaking of India as a whole and not only of Bengal... .

An Honourable Member : Including Jubbulpore.

The Honourable Sir Henry Craik :and numerous other instances pointing to the conclusion that terrorist conspiracies are still in being. In the north of India we have reason to think that there has been within the last few months a distinct revival of terrorism. As regards the second grave danger, I mean communal unrest, I regret that I can recall no time within my long experience of India when tension has been more acute.

An Honourable Member : So long as the third party remains

The Honourable Sir Henry Craik :and more widespread, nor I think any time when all thoughtful opinion both official and non-official, has been more apprehensive of the future.

An Honourable Member : Is not the Communal Award responsible for it ? (There were other interruptions also.)

The Honourable Sir Henry Craik : I would ask Honourable Members not to interrupt me.

Mr. President (The Honourable Sir Abdur Rahim): Order, order. The Honourable Member is making a serious proposal, and the Chair hopes Honourable Members will listen to what the Honourable the Home Member has to say without interrupting him.

The Honourable Sir Henry Craik : I have dealt with terrorism and communal unrest. As regards the third menace, the Communist movement the danger of that movement is one which, I think, is not perhaps fully appreciated by the general public. And that is, of course, very natural. It is not for obvious reasons possible for us to publish all the information we obtain about that movement, but I can assure the House that it is a movement which is becoming steadily and increasingly active and that it is a serious threat, not merely to Government, but to the whole fabric and organisation of society as at present constituted. I will, if the House will allow me, amplify that point at a later stage in the course of my remarks.

I have given very briefly our reasons for making this measure permanent. I do not propose to examine the question of permanency in relation to each individual clause ; that would hardly be within the scope of a second reading speech. But I would like to emphasise this. The Bill is intended as a safeguard against revolutionary and subversive movements generally, and in particular, against the three imminent dangers to the public peace which I have described. As regards none of these dangers can we foresee at present any reasonable time when we can safely relax our precautions.

I will now deal with individual clauses of the Bill. To begin with, as I have said, recognising the fact that Civil Disobedience is in abeyance, we are proposing the repeal of five sections which deal with particular forms of the illegal manifestations of that movement. The first is section 2—I am referring throughout to the Act of 1932. We propose to repeal section 2 which deals with the offence of dissuading from enlisting in the Army, Navy, Air force or Police service, section 3 which deals with inducing or attempting to induce public servants to fail in their duty, section 4 which deals with the boycott of public servants, section 6 which makes penal the dissemination of false rumours, and section 8 which confers power on the Courts to compel the parent or guardian of a young person convicted of certain offences to pay the fine inflicted. All these provisions are proposed to be repealed. We propose to retain section 5 which, as I explained at the introduction stage, fills an obvious gap in the ordinary law. That section makes it penal to republish, in whole or in part, a document which has once been proscribed.

Now I come to section 7, a more important section than any of those with which I have dealt already. Section 7 deals with the offence of picketing. It is proposed to retain this section and also to retain the provision that it does not automatically come into force in any area but comes into force only when it is notified by the Local Government. It might, of course, be argued and perhaps will be argued that picketing was a form and indeed one of the principal forms of the Civil Disobe-

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dience Movement. We recognise that that movement is in abeyance, that picketing by promoters of that movement has been stopped, but that is not the reason why we are seeking to retain this section. Every Local Government or practically every Local Government, every Administration in India has stressed the necessity for its retention, for although it is perfectly true that picketing was started as part of the Civil Disobedience Movement or anyhow became a very prominent feature of the Civil Disobedience Movement, it is what I feel I must describe as an evil legacy left by that movement, which has been adopted as a regular method of expressing opposition to Government or opposition to any private persons with whom the picketers happen to differ on religious, political or economic grounds. I will develop that point in a moment but in any case picketing is undoubtedly a form of intimidation and a grave invasion of private rights. As my predecessor said, the public must be protected against this particular form of tyranny. To illustrate what I said just now about picketing having been adopted as a regular method of expressing opposition either to Government or to private persons, I have information to show that picketing is now constantly employed in strikes, more particularly in strikes of Communist origin, and that when so employed it almost invariably leads to violence. Section 7, the section which we propose to retain, has actually been found most useful in dealing with that form of picketing, quite apart from the Civil Disobedience Movement, particularly in Bombay and in Nagpur. In Burma, picketing of an intensive type is a very common feature of school strikes and rapidly becomes intimidation in an extreme form. In the Punjab too this feature has been present. Picketing was employed there only recently in a strike by the students of a Hindu technical institution, not a Government institution. The strike was directed not against Government in any way but against the private persons who were the managing body of that institution. There was another case of picketing in a Government Engineering College which certainly did lead to force and violence. I have rather an interesting story to tell the House as to this form of the use of picketing. In Amritsar there were two rival cinema houses, situated close together, and the proprietor of one of those houses managed to get hold of a particularly popular film, an Indian film. The proprietor of the other house saw all his clientele going day after day into the rival house. So he decided that that would not do at all. He spread about rumours that the film in question contained several gross insults to the Islamic religion and he hired men to picket the rival Cinema house. That went on for several days. The police had to be called in. There were several assaults and so far as I remember there was a really grave danger to the public peace. The movement was put down only by dealing with the picketers under this section. Eventually a small committee of leading and respected Muslims was appointed to undertake a private censorship of the film. They said that there was nothing whatever in the film that could be claimed even by the wildest stretch of imagination to contain any sort of insulting reference to Islam. It was merely a trade dodge to prevent people going into the rival cinema house.

Sir, the experience of every province has been that picketing almost invariably leads to disorder and violence even when it was employed by people who nominally follow the creed of non-violence and that, I think, is sufficient justification for the retention of section 7.

I need not detain the House for more than a minute or two on the next two sections which are of comparatively minor importance and which it is proposed to retain with a few small consequential amendments. The offence of picketing will continue to be cognisable and non-bailable. This is essential, because persons, who are exposed to picketing, have very seldom in our experience the courage to institute complaints. Section 11, another section which is to be retained, gives the Government of India, as opposed to Local Governments, power to declare an association an unlawful association. That was a provision of the original Act of 1908 but it was dropped when the Act was amended in 1922. It is obviously a matter of convenience that in the case of associations of an all-India character which it is necessary to declare unlawful the declaration should be by the Government of India.

Next I come to an important and, I admit, a very controversial section, that is section 13 of the present Act of 1932. That was the section that added six new sections to Act XIV of 1908, the Act which gives Government power to declare associations to be unlawful. The new sections gave Government power to notify and take possession of places used by unlawful associations, to take possession of moveable property found in such places, and to forfeit the funds of such associations. Now my broad general case for the retention of these powers is as follows. If you admit that Government should have the power of formally declaring as unlawful certain associations, certain subversive movements, then I claim that that power should be of an effective nature, that is to say, it should be sufficient to enable Government to bring to a halt the activities of the association which has been declared unlawful. The Act of 1908, without these additions, has been found in practice to be of comparatively little use. It only makes possible the institution of proceedings against individuals either for being members of the unlawful association or for assisting in its activities or in its management. Without these additions, the Act gave no practical power of suppressing the association itself; and in the case of dangerous subversive movements, I submit that what you want, what is really a more effective and indeed humane remedy, is not to prosecute individuals but to suppress the association. Assuming that the revolutionary movements which I have spoken of continue, then it is our case that Government will remain under the duty of countering such associations, and this, we consider, can only be effected if Government has the power to seize their headquarters and to confiscate their funds. Remember that such headquarters have only one purpose, and that is an unlawful purpose. These powers will be specially useful, in our judgment, in dealing with Communist associations—and there are many such associations operating secretly and underground. Their literature, their propaganda and their stock-in-trade are often secreted in carefully concealed headquarters. They are, to our knowledge, receiving regular and steady remittances of money from abroad; and although it is not easy to lay hands on such remittances, the knowledge that we have the power to do so at any rate closes the ordinary channels of communication and adds to the difficulties of the organization. It is, moreover, likely to deter people from subscribing to such movements.

I am well aware that the use of the special additions made by the Act of 1932 to the Act of 1908 has been criticized; the use of these sections has been criticized especially in regard to their application to

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Congress organizations. Now, I am not at the moment going to defend their use ; it would hardly be relevant, but I want to point out that those powers have frequently been used in the past against unlawful associations completely distinct from and having no connection with Congress. They have been used against terrorist organizations and latterly against several Communist bodies, and I believe in Burma against a number of associations connected with the recent disastrous rebellion.

Sir, I have spoken more than once of Communism, and I have said that it is a growing danger the seriousness of which is perhaps not generally appreciated by the public. Perhaps I may be allowed at this stage to amplify those remarks, because Communism is one of the three subversive movements against which this Bill is directed. The movement, as I have said, works underground, in India at any rate, and the average citizen knows comparatively little about it. But those of us who have had the chance of studying its methods and its literature are left in no kind of doubt that it aims at bringing about, as quickly as it can, an armed revolution. That revolution is to be brought about—I quote their own words—“by the armed insurrection of the widest possible masses of the working class, the peasantry, and the revolutionary petty bourgeoisie”. The movement is, of course, aimed against all forms of what is broadly described as “imperialism”, but it is even more hostile to the political aims and methods of the Honourable gentlemen opposite. (Laughter.)

An Honourable Member : Not hostile to yourself ?

The Honourable Sir Henry Craik : The Communist movement condemns the objects and aims of the Congress Party root and branch, and it seems to be specially hostile, curiously enough, to the left wing of the Congress—to what is generally known as the Congress Socialist Party, which in a very recent publication it described as “having the aim of drawing the oppressed and exploited masses to its side under the show of sham socialist promises”. Its latest pronouncements are absolutely opposed to any alliance, any form of alliance, with any section of the Congress. Its object is—here again I quote its own words—“to be a completely independent political organization of the vanguard of the working classes, carrying on a merciless struggle both against Imperialism and against Bourgeois National Reformism”, that is, against the Congress movement. (Laughter.) The first step in its struggle is to be the organization of political general strikes, and from that it is of course an easy step to an armed rising of the masses, with the object of sweeping away, not only the Government but the whole fabric of society as now constituted, including of course eventually all religions and all the great social structures which in this country are based on religion. At the moment the objects of the Communist Party are directed especially towards a general strike ; and with this object it is trying—I am glad to say not very successfully—to capture the genuine trades unions. What the genuine trades unions themselves think of the Communist Party, I have ample evidence to show. They are perfectly alive to the danger, and in some cases have expelled from their unions people who are avowed Communists. (Interruptions.) In one case an important Railway Union, one of the largest, I believe, in India, expelled the Communists from its body,

and the General Secretary of the union issued a statement which I should like to quote. He said :

“ We have now come to realise that these organisers (*that is the communists*) are not primarily interested in the immediate work of the genuine trades unions. Belonging as they do to the communist school of thought and openly professing the communist philosophy involving undisguised preaching of violence, they were primarily interested in exploiting the union for their specific objective. We find them giving the slogan of a general political strike in season and out of season, when we definitely know that the workers in their present disorganised condition cannot be effectively mobilised to a strike even for their own economic demands ”

He added :

“ Many of the branches strongly protested against the activity of these Communist workers and the headquarters of the union have been called upon to disown and denounce their policy ”

Now, Sir, surely nobody can deny that that is potentially a most dangerous movement. Remember that it is financed largely from outside India. There is a regular traffic, I am sorry to say, of young Indians being sent to Moscow for training in Communist and revolutionary methods.

Mr. B. Das (Orissa Division · Non-Muhammadan) : Question !

The Honourable Sir Henry Craik : I am absolutely sure of my facts, and I can quote instance after instance. It is absurd to say “ question ”. Some of these young men actually found their way back to India and are actively engaged in propagating the Communist doctrine of violent rebellion.

Now, Sir, I leave that subject and come to what is probably the most controversial part of what I fear is likely to be an extremely controversial Bill, and that is sections 14, 15 and 16 of the existing Act, which continued in its present form the Emergency Press Act of 1931. We propose that those provisions should be continued. Now, on this subject of the history and activities of the Indian Press I have an almost embarrassing amount of material and I have had considerable difficulty in picking and choosing what I should place before the House today. I think, however, that it is desirable that I should begin by briefly reminding the House of the recent history of press legislation. In 1910 a Press Act was passed which was broadly, though not in details, on the lines of the Act now in force, that is to say, the Emergency Act of 1931. It enabled security to be demanded and in certain cases to be forfeited and so on. That Act was passed in 1910 and continued in force till 1922 when it was repealed. After its repeal for a period of about eight years, that is until the promulgation of the first Ordinance of April 1930, the only control that could be exercised over the Press was under the ordinary law, that is the Indian Penal Code and the Criminal Procedure Code. The experience of those eight years showed that the ordinary law was entirely insufficient to stop inflammatory writings of the most dangerous description in support of terrorism, in praise of terrorist murderers and in the most violent incitement to communal hatred. I think a collection of extracts has been circulated or is going to be circulated to Honourable Members to illustrate that and I will not weary the House with extracts now. I hope at a later stage of the debate other speakers may have an opportunity of amplifying this point and may also have an opportunity of describing how for those eight years a large section of the Press—I do not say, of course, the whole Press but I must say that it was an important section of the Press—was

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devoted to encouraging terrorism and to praising terrorist murderers. I would only like to read to the House one little extract to show that my view is shared (or was shared) in a somewhat unexpected quarter. The extract is from an article published on the 28th of May, 1931, and the writer said :

“ I have before me extracts from journals containing some gruesome news, that is, communal incitement, gross misrepresentation and incitement to political violence bordering on murder.”

The writer of those lines, Sir, was Mahatma Gandhi himself and the article appeared in his paper *Young India* on the 28th of May, 1931.

Now, I have said that, apart from encouragement to terrorism in those eight years in which the press was under no control, there was steady fomentation and encouragement of communal hatred by a certain section of the press. The House will remember that in April, 1926, there were very serious communal riots in Calcutta which lasted, so far as I remember, for some months off and on. In 1927 the Bengal Government reported that since the riots of April, 1926 :

“ Almost every Indian newspaper, forgetful of the larger issues at stake, completely lost its balance and ranging itself uncompromisingly on the side of dissension proceeded to fill its pages with the most provocative articles and to indulge in the most extravagant and biased accounts of alleged incidents. Naturally, the result of this irresponsibility on the part of the Press, together with the equally irresponsible references of a number of prominent Indians, was to spread discord and unrest throughout the motussil.”

The same thing was happening at the same time in the Punjab, where I was then working. Throughout 1926 and in the early part of 1927 the communal situation was most serious and it culminated in severe riots at Lahore in May, 1927, when 27 persons were killed and about 300 wounded as a result of mob violence. Shortly after these riots, the Punjab Government reported as follows :

“ It is notorious that many weekly and daily newspapers depend for their circulation on the publication of matter deliberately designed to increase communal hostility and that there exists a considerable class of pamphleteers and cartoonists who thrive by the dissemination of such matter. It is generally admitted by those in close touch with the journalistic profession that the more exaggerated are the stories to which they give currency and the more alarmist the rumours which they spread, the greater is their sale.”

That is the sad part of it. It is done only for pecuniary gain. The letter went on to say :

“ Attacks on religious leaders are by no means the only stock-in-trade of these journals, nor are they the monopoly of any one community. Vilification of historical personages is another common feature. Thus, abuse of Shivaji appears in Muslim papers, while Timur, Aurungzeb and Mohammad Bin Kasim are frequently held up to obloquy in Hindu journals. Several papers make it a practice to quote obscene passages, especially those dealing with sexual relations, from the scriptures of the opposite religion and the social habits of the different communities are constantly held up to ridicule.”

Now, Sir, that was the situation which led up to the promulgation of the first Press Ordinance in April, 1930. The situation was, of course, aggravated by the launching of the Civil Disobedience Movement and the Ordinance was necessitated partly by that but mainly by the very dangerous situation that had by then arisen in regard to terrorism. The Ordinance was promulgated in April, 1930, and expired towards the end

of October of the same year. Within one month of its expiry inflammatory writings were again appearing in the Press and, of course, the Ordinance having expired there was no means left but the ordinary law for checking them. Writing on the 13th December, 1930, that is, about six weeks after the expiry of the Ordinance, the Punjab Government reported :

“ Since the Indian Press Ordinance of 1930 lapsed the tone of the Indian-edited newspapers in the Punjab has steadily deteriorated and recently articles of such virulence have appeared as to indicate that the ordinary law has no terrors for editors who are bent on creating disaffection against Government. Since the expiry of the Ordinance prosecutions under section 124-A of the Indian Penal Code have been ordered in two cases and proscriptions in two other cases on account of articles published in the newspapers. But these are only extreme cases where the law has been manifestly broken. Apart from such cases there is a daily flood of articles on the border line, all of which are calculated to arouse disaffection, although they may not be of sufficient violence to make it worth while to prosecute.”

Only 19 days after the lapse of the Ordinance, a Bihar paper published the following poem which is a rough translation :

“ Set fire to every house ”
 “ Stir up his everywhere ”
 “ Allow the breast to be riddled by gun shot ”
 “ Drive out the country's enemies ”
 “ Dye the cloth with your blood ”
 “ Destroy the British rule ”
 “ Let the head hang on the gallows ”
 “ Throw away the foreign goods.”

An Honourable Member : What is the name of the paper which published this poem ?

The Honourable Sir Henry Craik : I had better not mention the name of the paper. All the other Local Governments similarly reported a rapid deterioration in the tone of the Press and the publication of articles which would have come within the provisions of the Ordinance had it been in force. The Bengal Government, for instance, said :

“ Many papers threw off all pretence of opposition to violence. Several papers openly expressed sentiments of approval of the Chittagong Armoury Raid. The *Swadhamith* features an article entitled ‘ Bravo Chittagong ’. An attempt on the life of Sir Charles Tegart passed almost un-noticed, such sympathy as there was being almost entirely for the assassins, one of whom was killed by his own bomb. The assassinations of Mr. Lowman and Lieutenant-Colonel Simpson were condemned so half-heartedly as to leave no doubt as to the insincerity of the writers, while the murderers were praised ”

That was the situation when the second Ordinance had to be promulgated in December, 1930. It was necessitated by the complete and rapid deterioration of the Press all over the country in every Province, practically immediately the first Ordinance lapsed. The second Ordinance lasted till the 6th March, 1931, when all the Ordinances were withdrawn after the Pact. Then, again, from March, 1931, till October of that year, a period of about seven months, there was no further control over the Press other than the ordinary law, but unfortunately any hope that the extremist Press would observe a reasonable amount of restraint was disappointed. In all Provinces there was once again an immediate and steady deterioration. In Bengal direct or indirect approbation of terrorism in the Press gained in volume and boldness of expression. Apart from the open glorification of terrorist murderers there were constant histories of revolution

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in different countries and of the lives of revolutionaries, constant poems extolling revolutionary activities in language designedly obscure and professed condemnation of terrorist crimes, coupled with the praise of the self-sacrifice and idealism of the terrorist murderers :

“ There can be no manner of doubt ”,

—the Bengal Government wrote at that time, that was in 1931,—

“ that this elevation of cowardly murder to the plane of heroism and the criminal's expiation of his crime to that of martyrdom had an enormous effect in inciting immature and sentimental minds to follow the example of these so-called patriots. There is no possibility that better counsels will prevail or that the more sober and saner section of society will have any influence in restraining the Press. It is true that there has been a slight improvement in the local Press in the last few days, but this is attributable solely,.... ”

—this, I think, is significant,—

“ to fear bred of talk and rumour that the Press Ordinance is to be revived.”

Thus, in the periods from 1922 to early 1930, in November, 1930 and in March and April, 1931, similar causes produced exactly similar effects.

So much for past history of Press legislation. I have shown, I think conclusively, from the experience of no less than three periods, that whenever the control of the Press has been relaxed there has been in certain sections an immediate and dangerous deterioration in its tone. It is idle to argue in face of these incontrovertible facts that all sections of the Press are actuated by a proper sense of responsibility. But the point I wish to make is this, that responsible and properly conducted newspapers which do not indulge in such writings have nothing to fear from this law.

Now, there is one other point in this connection and that is the complete inadequacy of the permanent laws embodied in the Indian Penal Code and the Criminal Procedure Code to restrain the undesirable activities of the Press. I quote again from a letter of a Local Government dealing with this very point :

“ The power of proscription under section 99-A of the Procedure Code is of little avail because the objectionable matter is already published and in circulation before Government can take action. In fact in some cases proscription merely gives an undesirable advertisement to the document which is proscribed. Action under section 108,..... ”

—that is the security section of the Criminal Procedure Code,—

“ and prosecutions under sections 124-A and 153-A ”.....

—that is, for promoting communal hatred,—

“ are rendered fruitless by the employment of dummy editors, publishers or printers who are put up for prosecution while the actual person responsible cannot be touched by the law. This practice was not new in 1927.”

This practice is a very old one and has been I believe common in Bengal so far back as 1907. In the north of India during the eight years that there was no control over the Press it became in the case of these gutter journals a regular practice :

“ While proceedings under the Criminal Procedure Code or the Penal Code are frequently protracted, there is nothing in the existing law to restrain the offending press or newspaper from republishing the very matter which is the subject of prosecution.”

Actually to my personal knowledge there is nothing which some of the lowest class of journals welcome more than a criminal prosecution.

Only the dummy editor goes to jail, and the more protracted the prosecution, the greater is the advertisement and the higher goes the circulation of the paper. In the Punjab in the year 1926,—that was when there was of course no special law,—prosecutions under section 153-A, *i.e.*, for incitement to communal unrest, were instituted against the editors of seven newspapers, three being Muslims, two Hindus and two Sikhs. In the first eight months of 1927,—that was when communal unrest was extremely bad and the House will remember that there was a serious communal riot in May, 1927,—the Punjab Government proscribed 11 newspapers and eight books. During the same period 17 papers were warned and proceedings taken under section 153-A of the Indian Penal Code or section 108 of the Criminal Procedure Code against these newspapers. These proceedings, however, had little or no effect in restraining the dissemination of undesirable matter. The Punjab Government's letter went on to say :

“ At the present moment (August, 1927), the tone of the vernacular press as a whole is probably more virulent and more obscene than at any time since 1922.”

That was the year when the Press Act was repealed :

“ The power to proscribe publications that offend.....is of little practical use in the case of newspapers, for objectionable articles can obviously only come to the knowledge of Government after publication, and once a newspaper has obtained two or three hours' start the mischief is done.”

Then, the letter went on to deal with what I have said was a common practice, and I am afraid still is in some cases, of employing dummy editors, and I should like the House to listen to this quotation because it shows how this practice renders the common law of the land entirely futile :

“ Within a short period as many as 10 successive editors were registered for the *Siyasat* of Lahore. The *Zamindar* has in recent years been warned no less than 14 times ; and about a dozen separate prosecutions under the Penal Code have been instituted, most of which have ended in conviction. In not one of these prosecutions, however, was it possible to proceed against the real editor and proprietor. On each occasion a dummy editor had been the victim. Only a few days ago on the arrest of such a nominal editor under section 153-A.....a man who is illiterate and totally blind has been registered as editor of the journal. Similarly on the recent conviction of the editor and proprietor of the *Muslim Outlook* for contempt of court in respect of an article commenting on a High Court judgment, the nominal editorship of this daily paper passed to a man who was formerly a railway guard and later a member of a gang of currency notes forgers, who has escaped conviction by becoming an approver. The present editor of a Sikh newspaper which is now being prosecuted under the Indian States (Protection against Disaffection) Act, 1922, is an *ex-convict*, a barber by caste, who was for a time a *syce* in a labour corps and was sentenced to imprisonment for desertion. Nearly all the worst vernacular journals have dummy editors of this type, most of them being *ex-convicts* for whom imprisonment is no real deterrent.”

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : We are all *ex-convicts* on this side.

The Honourable Sir Henry Craik : Then imprisonment has no terror for you also. But you don't forge currency notes.

As regards the press provisions I want to emphasise the point that we have no desire whatever to throttle criticism even of the most vigorous kind, provided it is not based on malicious lies and false rumours. The Act is not directed and has not been used against responsible newspapers or presses. It has been used, I claim, with moderation and restraint. I will not quote figures now but no doubt they will come up later in the debate.

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[Sir Henry Craik.]

So much, Sir, for the Press Act. I do not think I need trouble the House at this stage with any observations on the remaining sections of the Act of 1932 as none of them are really of any great importance.

Sir, I have endeavoured to present the case for my Bill as dispassionately as possible. I have endeavoured to justify its provisions in no offensive spirit. I am extremely grateful to the House for the patient hearing which they have given me. I should like, before I sit down, to repeat my hope that the debate which will follow will be conducted, though I know it must be controversial, without undue heat or undue bitterness. Many Honourable Members will no doubt differ from us but I would ask them at any rate to give us credit for acting on our sincere convictions. We have to bear in mind two main considerations, we have to keep before us two objects which we think it our duty to pursue. The first is that we have to hand over to the new Governments which are very shortly coming into existence an administrative machine provided with the necessary means of countering the subversive and disruptive forces which may attack it. The new Governments will, as I see the future, be probably more sensitive to the more subtle and dangerous forms of agitation than the present Governments. In particular I fear that they may find more difficulty in dealing effectively with dangerous situations arising out of communal strife. It would obviously be unfair to deprive them at the outset of their career of weapons which we have found indispensable and to place on them the odium of having to forge such weapons anew.

The second object which we conceive it our duty to pursue is this. There is a large section of the population of this country which really has very little interest, if any, in political movements of any kind. All up and down the country there are millions, even in the constituencies represented by Honourable Members opposite, there are millions of quiet decent people with but little interest in national development, who take no part, if they can help it, in any form of agitation. (Interruptions) I think Honourable Members might allow me to conclude without interruption.

Some Honourable Members Please go on.

The Honourable Sir Henry Craik : All that these people ask for is to be allowed to pursue in peace "their lawful occasions", to enjoy freedom and toleration in their possessions and freedom and toleration in the observance of their religion. To these innumerable and voiceless millions what is called in cant phrase "countrywide agitation" of any kind usually entails a certain amount of suffering and misery, either economic or domestic. From being drawn into such suffering it is the duty of Government to protect these people.

Sir, my final word is this : that the object of this legislation is not to crush the spirit of nationalism. That spirit we are doing our best to develop on peaceful and orderly lines. (*Cries of 'Oh !' and Opposition laughter.*) While we pursue that object, we must keep before us the words of a very wise statesman, the present Prime Minister of England :

"The price of liberty is eternal vigilance, and it is our duty to keep the State steady at a point where liberty is neither curtailed by untoward restrictions nor abused by unseemly licence."

Sir, I beg to move :

“ That the Bill to amend the Criminal Law be taken into consideration.”

Mr. President : (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill to amend the Criminal Law be taken into consideration.”

There was a notice from the Honourable Member, Mr. Gauba, that he intended to move an amendment, to refer the Bill to a Select Committee. The Chair understands the Honourable Member does not wish to move it.

Mr K L. Gauba (East Central Punjab : Muhammadan) : No, Sir : I do not wish to move it.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. S. Satyamurti . Mr. President, the Honourable the Home Member, whose absence from his seat I regret, in his opening speech the other day, as well as today, appealed for the elimination of bitterness from this discussion. I think, Sir, I can promise him in advance that, so far as in us lies, we shall do our best to avoid all bitterness. But, Sir, he claimed that he introduced this Bill on behalf of the Government of India, with a very real sense of responsibility. I want him to believe, Sir, that when we oppose the consideration of this Bill, we do so with an equally serious sense of full responsibility. If today, Sir, we are to run this Government, we shall have no use for this Bill at all. We are absolutely confident that we can govern this country peacefully and in its best interests, without the help of this Bill. He also wanted us, Sir, to believe that they were honestly convinced that this Bill was necessary. I again want him to believe that we are equally honestly convinced that this Bill is not in the best interests of this country. Nearly a generation ago, Mr. President, Lord Morley, the then Secretary of State for India, wrote to Lord Minto, the then Viceroy, “ for intractable blindness to all the signs of the times give me a certain sort of high Indian Civilian ”, and, I think, Sir, for a generation now, the Honourable the Home Member has remained stationary, not only sartorially on his own admission, but also mentally ; and today, we have the same phenomenon of purblindness to all the signs of the times ; otherwise, I cannot understand why, if they have passed the Government of India Act with a flourish of trumpets saying that Swaraj is on the horizon, they should introduce this Bill. A sane but not very progressive Viceroy, Lord Minto,—I read this in Lady Minto’s very interesting book “ India, Minto and Morley ”,—said :

“ As to repressive legislation, it is all important that it should precede your announcement of reforms in Parliament. I am most anxious that we should get our disagreeable work over, before your announcement is made. We must give the medicine first, and then do all we can to take the case away. If we were to follow up your announcement with stiff legislation and deportation, we should make a fatal mistake. The taste of the last dose would remain in the patient’s mouth ”

I commend the last sentence to the Honourable the Home Member and his advisers.

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[Mr. S. Satyamurti.]

Then, Sir, in answer to a point I raised about the prepublication of the contents of the Bill in the *Statesman*, the Honourable the Home Member categorically and with some temper, I was sorry to note....

The Honourable Sir Henry Craik : No, no.

Mr. S. Satyamurti : I accept the correction,—stated that the Government had two categories of press in this country, the “friendly” and the “unfriendly” press, and they would use the friendly press for their propaganda and look askance at the unfriendly press....

The Honourable Sir Henry Craik : I did not say that.

Mr. S. Satyamurti : You did not say that, but you meant it, and I want to commend to him a piece of advice which a very ancient man, Maricha, gave to a very ancient Rakshasa, Ravana :

Sulabhā purashā rājan satatam priya vādinah,

Apriyasya tu tashyasya vaktā shrotācha durlabhah,

I will translate it for the Honourable the Home Member :

“Men who talk pleasant inanities are plenty, but those who speak the truth, be it pleasant or unpleasant, are very few, and those who listen to that truth are fewer indeed” ;

and I would suggest to my Honourable friend, the Home Member, that, after that admission,—I am very glad the Honourable the Law Member appreciates it, and I hope, Sir, he will act on that, in his dealings with the Government and talk the unpleasant truth, and not the pleasant untruth.

The Honourable Sir Nripendra Sircar (Law Member) : I have always done that.

Mr. S. Satyamurti : Sir, I suggest to my friend, the Home Member, that when a Member of Government says “I look upon one section of the press as friendly, and upon another section as unfriendly”, he is giving away the entire case for any confidence being reposed in the Government to administer the Press Act impartially. On their own showing, all editors of presses are not equal in their eyes. Some of them are black, some of them are white, some of them, I believe, are black and white in their eyes ; and, therefore, I say that this attitude of the Government is proof positive that the Press Act is a dangerous weapon in the hands of this Government.

Sir, the ugliest feature of this Bill is the cool, audacious assertion that it shall remain permanently on the Statute-book ; and in trying to justify that, Sir, the Honourable the Home Member said temporary legislation against subversive movements encourages the hope that those movements may be resumed. Now, Sir, the Honourable the Home Member evidently believes in only one method of dealing with these movements, namely, attempting to suppress them, but I suggest to him that, from the political philosophy and history of his own country, there is another, saner, better and more effective method of dealing with these movements, and that is, to remove the causes which cause these movements. (“Hear, hear” from *Congress Party Benches*.) And, so long as the Honourable the Home Member believes that he can suppress these movements, he will find he is grossly mistaken, if he does not adopt ameliorative measures to remove

the causes entirely. I congratulate, Sir, the Honourable the Home Member on having paid the Mahatma the sincerest form of compliment by adopting his phrase "change of heart". Now, I want to know whether there is any change of heart on the part of this Government when, after having made an Ordinance for six months, after having enacted a law for three years, they now come and say . "We want a permanent measure on the Statute-book "

Then, my Honourable friend said that it is impossible to see any reasonable period of time within which terrorism, communism or communal menace may come to an end. On that matter, I desire to make two submissions. The Honourable the Home Member read a series of extracts. I listened to them very carefully, and I think I am right in saying that all those extracts came from Bengal or from the Punjab....

The Honourable Sir Henry Craik : There are plenty of them from other provinces.

Mr. S. Satyamurti : I know my Honourable friend's resources are unlimited, but he thought that, for the purpose of proving his case, those extracts were enough. I take him at his word. ...

The Honourable Sir Henry Craik : No.

Mr. S. Satyamurti : Should I not take you at your word ?

The Honourable Sir Henry Craik : I did not wish to weary the House with more extracts

Mr. S. Satyamurti : You chose the most important, the most significant, and the most dangerous.

The Honourable Sir Henry Craik : The most telling.

Mr. S. Satyamurti : Therefore, so far as the Honourable the Home Member's sense of values is concerned, the danger is very great in Bengal and in the Punjab. The danger is admittedly, I put it at the lowest, not so great in other provinces. Now, I want to put it to him that, in Bengal, they have a special Act which they have passed recently into law, I believe, for another period of five years, and there are many other Acts besides this permanently on the Statute-book. The same is the case in the Punjab. I want to know why, when these two provinces are supposed to be particularly criminal and when in those provinces there are special Acts, an all-India permanent Act should be sought to be placed on the Statute-book. As for communal troubles I do not want to say a word which will make a bad situation worse. But I do suggest to the Honourable the Home Member to lay his hand on his heart and to say to himself and not to us, whether this Government have done all that they can to promote communal peace and harmony in this country, whether they have not on the whole played the game, sometimes successfully, sometimes unsuccessfully, of pitting one community against another. I, therefore, think that, if the communal situation is not better than what it is, part at least of that responsibility must lie at the doors of this Government

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : It will end with them.

Mr. S. Satyamurti : Therefore, it seems to me that there are no valid reasons given for making this measure permanent. For that one reason

[Mr. S. Satyamurti.]

alone, we should oppose this. The Honourable the Home Member's predecessor, Sir Harry Haig, in the course of more than one speech on this Bill in the last Assembly said, "The origin of the Bill is Civil Disobedience," "So long as the movement continues we must have these powers". And in the Statement of Objects and Reasons of this Bill you will notice in paragraph 2 the first sentence reads as follows :

"The Civil Disobedience Movement is at present in abeyance. Government have, therefore, decided not to continue the provisions against those forms of intimidation which were a special feature of that movement, namely, etc."

I do suggest to the Honourable the Home Member that, if he is to go by the statements of his predecessor he should not have introduced this Bill, and I suggest to him the wise words of a statement :

"When a political emergency becomes the normal state of affairs, the time has definitely passed for dealing with it either by executive decree or by legislative enactment. The question, then, is of ameliorative and conciliatory statesmanship."

Then, Sir, we had a few words from the Honourable the Home Member which showed deep and grave concern for the future of the new Governments to be established in this country. The Honourable the Home Member's heart is overflowing with sympathy for these unfortunate new Governments, and, therefore, he must put this weapon on the Statute-book in order to help them start the administration peacefully. What are these new Governments? On the Government's own showing the new Governments in the provinces are going to be fully responsible Governments, Governors' safeguards being there merely for the sake of being there, and never going to be used. If there is a little of sincerity in that claim for these new Governments, I put it to my Honourable friend that he should show that sincerity by allowing these Provincial Governments to administer these provinces on their own responsibility. Law and order are supposed to be, under the Government of India Act, provincial transferred subjects, for which there will be Ministers responsible to the provincial Legislatures. I want to know why the Honourable the Home Member thinks that he must give a free gift of this Bill to the provincial Ministers, when they have to start their work under the new reforms. And I suggest that the Ministers can be trusted to deal with the situation, with a full knowledge of their own responsibility. Moreover, I want to point out, if I may, that unlike under the present Government of India Act, under the new Government of India Act there are at least seven authorities who can make emergency laws besides the Legislatures,—the Governor General, all the Governors, the Ministers, and so on. and so forth. Therefore, even if an emergency arises, there is ample statutory provision under the new Government of India Act. The real reason, may I suggest, is this, that they contemplate the Government of this country by means of safeguards, and, therefore, in order to protect these autocratic Governors and the Governor General, they want this Bill on the Statute-book, in order to stifle public opinion in the Press and on the platform. Otherwise, I can see no justification for this measure at all. Again, whenever we ask questions here on any matter, even of an all-India importance, if it is technically Local Governments', the questions are over-ruled,—I am not questioning your ruling at all. Mr. President, I am merely drawing a lesson from it—on the ground that they are questions which primarily concern the Local Governments. Do

not law and order primarily concern Local Governments ? Why should the Government of India be so anxious to pass this all-India legislation ? Is it not inconsistent with the spirit of the so-called provincial autonomy ?

I hope that even this Government have not yet become wholly impervious to public opinion. I would ask my Honourable friend, the Home Member, to tell me, apart from Local Governments, what public opinion is in favour of this Bill ? Which associations have sent memorials to the Government in support of this Bill ? Have any public bodies supported this Bill ? Has any Indian newspaper supported this Bill ? For whom are you enacting it ?

An Honourable Member : *The Statesman.*

Mr. S. Satyamurti : What is this idea of naked autocracy ? Why do you want to enact the law in the teeth of all relevant public opinion ? And, I submit, public opinion is the most relevant consideration in a repressive measure of this extensive kind. I will read the words of a man, whose authority even this Government dare not question on the floor of this House :

“ This Bill is a mere copy with certain provisions of the Ordinance which was passed by the Governor General in exercise of his prerogative. But we are asked now to add to the ordinary criminal law of the land, provisions which, I submit with entire confidence to the House, are absolutely inconsistent with the principles of criminal jurisdiction, even as prevalent in this country. The importance of this measure, the serious character of its effects on the lives of the citizens, on their most cherished rights, on their rights of personal protection, and personal liberty, on their rights of property, on their rights of association are all of a character which cannot be said to be at all slight or which can be brushed aside as something unimportant. Now, a measure of this magnitude and importance and seriousness can only be passed by us if we find it absolutely necessary to meet a condition of things which exists at the present moment and if we had the support of public opinion. If public opinion is against it, does he expect us to defy public opinion ? We are here in order to represent and voice public opinion, to din it into the ears of the Government ; and are we the persons to be asked to act contrary to public opinion ? Is not this enough to show that this measure is wholly unjustified and cannot be forced down upon us ? The officials are in a different position. I understand that, they can defy public opinion and they have often done it. But our position is very different. So, I say, we are not in a position to support this measure as admittedly public opinion is hostile to it. This is one conclusive answer. Another conclusive answer is that Government have not proved their case ”

These were your words when the Criminal Law Amendment Act was before this House, and even this Government dare not question the impartiality of your judgment or your capacity to pronounce on public questions

The Honourable Sir Henry Craik : The Bill was passed by a large majority.

Mr. S. Satyamurti : You will find a different tale this time.

An Honourable Member : He had a foretaste of it yesterday.

Mr. S. Satyamurti : I want to ask a question. It arose also on my point. Did Government consult public opinion ? Did they consult only the European Chambers of Commerce ? Did they consult the European associations ? I want to ask another question—are all Local Governments in favour of this Bill and do Local Governments mean Ministers also, especially in my province ?

The Honourable Sir Henry Craik : I cannot recollect.

Mr. S. Satyamurti : Did that Government say in their opinions that their Ministers support them in their demand ?

The Honourable Sir Henry Craik : Some of them certainly but I cannot remember.

Mr. S. Satyamurti : Have the Madras Government said that their Ministers are in favour of this Bill ? Now, Sir, so far as this Bill is concerned, there are four matters really sought to be dealt with. First is picketing, the second is unlawful associations, the third is more control of the Press, and a new offence, section 5, reading from a proscribed book or document. Now, I suggest that, so far as picketing is done by illegal or unlawful means, it can be dealt with by the ordinary law of the land. I ask my friend, the Law Member, to use his legal conscience, if he interferes in this debate at all, and to tell the House whether I am not right, humble as I am, in my contention that picketing carried on illegally or by unlawful means can be dealt with by the ordinary law of the land.

The Honourable Sir Nripendra Sircar : Are you charging me with having a conscience ?

Mr. S. Satyamurti : I apologise. As for other forms of picketing, if it is peaceful, I suggest that it should not be interfered with by the Government. I will come to that presently, but let me deal at once with section 5 of the old Act. I must say, as one who has spent two weeks on this very difficult task that it is almost impossible to follow this referential legislation. We have got two or three Acts and we have got to go backwards and forwards. However, I will do my best. Section 5 of the old Act is sought to be re-enacted. That section says :

“Whoever publishes, circulates or repeats in public any passage from a newspaper, a book or other document, copies whereof have been declared to be forfeited to His Majesty under any law for the time being in force, shall be punishable, etc.”

The second clause says :

“No Court shall take cognisance of an offence punishable under this section unless the Local Government has certified that the passage published, circulated or repeated contains in the opinion of the Local Government seditious or other matter of the nature contained in section 99A of the Criminal Procedure Code or sub-section (1) of section 1 of the Press Emergency Powers Act.”

These are very comprehensive words. Sub-section (1) of section 4 of the Press Emergency Powers Act contains only two clauses, inciting to the offence of murder or other offences involving any violence or expressing admiration of any such offence or person, but according to this Criminal Law Amendment Act, which is sought to be made permanent, there are six clauses added to it, seducing any officer or soldier from the army, sedition, causing annoyance to any person engaged in the administration of law, inducing public servants to resign from office, etc., promoting feelings of enmity, prejudicing the recruitment of persons, etc. Now, Sir, if you take the very comprehensive nature of this clause and see what is exactly sought to be done, you will see at once the mischief of this clause. What is sought to be prohibited is not the publication of a seditious book, not the publication of a document which comes within any one of these numerous and comprehensive categories, but the publication of a document or a passage which the Executive in its own unaided discretion will declare to be seditious or otherwise. It may have been proscribed by the Government, but the Government is the last person in the world

to administer any law judicially. Every civilised Government knows it, and leaves it very rightly to the Courts of law.

My objection to section 5 is that it enthrones executive arbitrary discretion in the place of the decisions of the ordinary Courts of law in this country. And that I am right there, I will prove by a quotation from the Honourable Sir Harry Haig himself when he was Home Member. Replying to a similar attack as mine on this clause, he said :

“ It has been said that in fact the magistrate will have very little to do in such cases. Now, I quite admit it ; this is really in essence an executive proceeding—the proscription of a book or document. Now, in order to make that executive proceeding effective, one must provide that the publication of any portion of that book or document in defiance of that order should be punishable, and that it is required to prove that the book has been proscribed and that it has been deliberately published or circulated. I frankly admit it—that this is an executive proceeding which, if there is any defiance of it, has got to be completed and followed by a legal process.”

Therefore, there is no judicial discretion in the matter at all ; and I think I may point out that, so far as this particular offence of publishing a seditious document is concerned, if the Government are merely anxious to prevent really seditious books from being published, the Government have got ample power, under section 124A of the Indian Penal Code, section 108 of the Code of Criminal Procedure, and section 99A of the Criminal Procedure Code. They need not have this power at all. Only they want to substitute pure executive discretion for judicial decision in such matters. I submit that this is a very dangerous position, and no Legislature, which claims to be representative or even reasonable, can allow the executive Government to usurp these powers. On this matter again, I have the high authority of a distinguished Englishman which I trust this Government will not brush aside. I am referring to Chief Justice Hewart's book, ‘ The New Despotism ’. This is what Chief Justice Hewart writes about the tendency of the executive in such matters :

“ The business of the executive is to govern. The only persons fit to govern are experts. The experts in the art of Government are the permanent officials, who, exhibiting an ancient and too much neglected virtue, ‘ think themselves worthy of great things, being worthy ’. Two main obstacles hamper the beneficent work of the expert. One is the sovereignty of Parliament, and the other is the rule of law. To this end, let him clothe himself with despotic power and then because the forms are Parliamentary, defy the law courts.

This course will prove tolerably simple if he can :

- .. (a) get legislation passed in a skeleton form, fill up the gap with his own rules, orders and regulations, (b) make it difficult or impossible for Parliament to check the said rules, orders and regulations, (c) secure for them the force of statute, (d) make his own decision final, and (e) arrange that the fact of his decision shall be conclusive proof of its legality, (f) take power to modify the provisions of statutes, and (g) prevent and avoid any sort of appeal to a court of law.”

I think, Sir, every Member of this House will agree with Chief Justice Hewart when he says that :

“ We cannot really prefer the executive jurisdiction to the jurisdiction of courts, and our faith in courts is not a mere fetish. It is based on certain fundamental reasons. The work of a court involves many important ingredients, as for example the judge is identified and is responsible for his decision, the case is conducted in public. The result is governed by impartial application of principles. All parties to the controversy are fully and fairly heard. All these elements are absent from executive decisions.”

My objection to section 5, therefore, is that it seeks to punish as an offence, not an offence which is found on evidence, sifted by Courts of law

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in public and found as such, but offences so prescribed by the executive ; and if, perhaps, Chief Justice Hewart is a little too strong for the Members of the Front Treasury Bench, I may quote a more respectable individual, Lord Morley. Sir, in one of those numerous delightful letters which he wrote to Lord Minto—he writes in answer to a high official like one of those Honourable Occupants of the Treasury Bench :

“ So and so said to me this morning ”—*he has left out the name unfortunately*—“ You see the great executive officers never like or trust lawyers ” “ I will tell you why ”—*I said*—“ It is because they do not like or trust law.” (Laughter.) “ They in their hearts believe before all else the virtues of will and arbitrary power.” “ That system may have worked in its own way in old days, and in those days the people may have had no particular objection to arbitrary rule, but, as you have said to me scores of times, the old days are gone and the times breathe a new spirit, and we cannot carry on upon the old maxims. This is not to say that we are to watch the evil-doers with folded arms, waiting to see what the Devil will send us. You will tell me what you think is needed. I trust and fully believe that you will not judge me to be callous, sitting comfortably in an armchair at Whitehall, while bombs are scattering violent death in India, while men like—so and so are running the risk of murder every hour, for year after year, upon the frontier, while all sorts and conditions of men and women are enveloped in possibilities of hideous horrors like those of fifty years ago. All I can say is ”—*and I respectfully commend those words to the Honourable the Home Member*—“ we have to take every precaution that law and administration can supply us with ”—*not this illegal law, lawless law*—“ and meanwhile to face what comes in the same spirit of energy and stoicism combined in which good generals face a prolonged and hazardous campaign.”

Then, Sir, the next section in this Bill which is sought to be perpetuated is section 7—“ molesting a person to prejudice of employment on business.”

Now, Sir, in paragraph 2 of the Statement of Objects and Reasons, we find these statements :

“ Picketing has not ceased with the civil disobedience movement. It is now recognized not only as a means of opposition to any form of constituted authority but also of causing annoyance to private persons who differ from the political, economic or religious views of the picketers. It is likely to be a main feature of any subversive movement and it cannot be dealt with effectively under the ordinary law.”

I propose, Sir, to contest every one of these statements. As for the question of annoyance, Mr President, I speak with great hesitation, but it does seem to me to be that public morality, to a certain extent at least, depends upon the fear of annoyance by others, if we do certain flagrant acts in public. No one can live in a community or society without fearing some kind of annoyance or other. We annoy our friends opposite, and I am sure they annoy us. Are we then to enact a law that, to prevent annoyance to my friends we shall all be wiped out, or *per contra* Sir, annoyance is inevitable in some form or other in the scheme of society. Not all of us are made of the same sweet temper always, and it does seem to me that to try to protect a man from annoyance, even God cannot do it, and it is only the Government of India that dare attempt to do it. No man can do just what he pleases, and I put it to my Honourable friend, Sir, that, if social reform in any civilised society is to depend merely on legislation, on the fear of punishment, this poor humanity of ours would have made no progress at all. It is because there have been great reformers who, to the annoyance of others, have perpetually brought forth their doctrines, reiterated them and educated public opinion that we have made some progress from the level of the savage and the barbarian :

and it, therefore, seems to me, that we should not attempt this impossible task of eliminating annoyance altogether from public life.

Then, Sir, the Statement of Objects says this .

“ It is likely to be a permanent feature of any subversive movement ”

Now, why should there be a subversive movement ? Are there subversive movements in England ? Why not ? Because you govern yourselves : and if we govern ourselves, there will be no subversive movements here. Therefore, the cure for every subversive movement is not suppressive or repressive legislation, but to remove the causes which precipitate such subversive movements. Moreover, I want to suggest to the Government, who have such a pathetic faith in repressive legislation, that affection for Government or respect for law and order cannot be manufactured to order, any more than affection for anybody else.

As for the Civil Disobedience Movement, Sir, to which reference is made in these paragraphs, I am quite sure my Honourable friend, the Home Member, realizes that the Civil Disobedience Movement, as such, cannot be put down by prescribing imprisonment for those who break the laws of the land. *That* is part of the Civil Disobedience creed, and there is no point in saying that we shall send people to prison. Therefore, so far as that aspect of this paragraph is concerned, there is no point in imagining that by prescribing imprisonment you can put down this picketing.

Then, Sir, there is another sentence in this paragraph : “ It cannot be dealt with under the ordinary law ”. I join strong issue with the Honourable the Home Member on that. I will merely state the sections, Sir, and read them presently : section 141 of the Indian Penal Code defining unlawful assemblies, especially the fifth clause, sections 349 and 350 of the Indian Penal Code, section 351, section 120A and section 43 and section 505 . all these are sections under which, as I say, if there is any molestation by illegal means, people can be punished.

Now, Sir, I want to read only the fifth clause of section 141 of the Indian Penal Code which defines unlawful assemblies. It runs thus :

“ An assembly of five or more persons is designated an ‘ unlawful assembly ’ if the common object of the persons composing that assembly is—

fifth—by means of criminal force or show of criminal force, to compel any person to do what he is not legally bound to do, or to omit to do what he is legally entitled to do.”

The Honourable Sir Henry Craik : Suppose there are not as many as five persons

Mr S. Satyamurti : I will come to that. Does my Honourable friend agree that at least so far as five persons are concerned, he will eliminate this section ?

An Honourable Member : No.

Mr. S Satyamurti : Then what is the use of asking this question ? Now, do you know what criminal force means according to the Indian Penal Code ? My Honourable friend, the Deputy Leader of the Congress Party, reminds me that there can be no organised picketing, except by at least five people, and Congress Members are much more numerous than

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this number. Criminal force is defined in section 349 of the Indian Penal Code which runs thus :

“ A person is said to use force to another if he causes motion, change of motion, or cessation of motion to that other, or if he causes to any substance such motion, or change of motion, or cessation of motion as brings that substance into contact with any part of that other's body, or with anything which that other is wearing or carrying, or with anything so situated that such contact affects that other's sense of feeling :

Provided that the person causing the motion, or change of motion, or cessation of motion, causes that motion, change of motion, or cessation of motion, in one of the three ways hereinafter described :

First—By his own bodily power :

Secondly—By disposing any substance in such a manner that the motion or change or cessation of motion takes place without any further act on his part, or on the part of any other person :

Thirdly—By inducing any animal to move, to change its motion, or to cease to move.”

Therefore, whatever I may do by means of a show of criminal force in order to prevent a person from doing what he is entitled to do or to cause him to do what he is not bound to do, comes within the ample scope of the Indian Penal Code. Then, my friend talks of annoyance. Do you know what section 351 says ?

“ Whoever intentionally uses force to any person, without that person's consent, in order to the committing of any offence, or intending, by the use of such force, to cause, or knowing it to be likely that, by the use of such force, he will cause, injury, fear or annoyance to the person to whom the force is used, is said to use criminal force to that other.”

Then, section 352 says that, whoever assaults or uses criminal force to any person, shall be punished. There is no question of there being five persons here. Therefore, if I am walking along on a street and I touch somebody else with my scarf in order to draw his attention to the fact that he can buy only foreign cloth in a particular shop, I come within the scope of this section. Then why do you want this section ? Then, we have also got section 120A in the Indian Penal Code which says :

“ When two or more persons agree to do, or cause to be done—

(1) an illegal act, or

(2) an act which is not illegal by illegal means, such an agreement is designated a criminal conspiracy.”

Sir, whether it be one, two, or five persons, Government has got ample powers to proceed against these persons under the ordinary law of the land. Then, Sir, we have got section 503 of the Indian Penal Code which says :

“ Whoever threatens another with any injury to his person, reputation, or property, or to the person or reputation of any one in whom that person is interested, with intent to cause alarm to that person, or to cause that person to do any act which he is not legally bound to do, or to omit to do any act which that person is legally entitled to do, as the means of avoiding the execution of such threat, commits criminal intimidation ”

Having quoted all these sections, I now ask the Honourable the Home Member if he has ever considered those sections, and if he knows that there are such sections, and if he has ever applied his mind to the question whether, apart from these sections, there is any need for a section of this kind. But I will tell you what is all this due to. They do not trust the

Courts of law. Unfortunately, the Indian Penal Code, although it is comprehensibly worded, can be administered only in Courts of law. Unfortunately the Government do not want to go to these law Courts. They want to have a simple, speedy and effective means of punishing what they consider is wrong.

I said that peaceful picketing ought not to be prevented and I will quote from the Gandhi-Irwin Agreement, which is perhaps no longer in force, but at one time the head of this Government, the Viceroy, was a party to this Agreement :

“ The position of the Government is as follows. They approve of the encouragement of Indian industries as part of the economic industrial movement designed to improve the material condition of India, and they have no desire to discourage methods of propaganda, persuasion or advertisement pursued with this object in view, which do not interfere with the freedom of action of individuals and are not prejudicial to the maintenance of law and order.”

I say, Sir, that this clause goes against at least the spirit if not the letter of the paragraph of the Gandhi-Irwin Agreement. And Lord Irwin himself said :

“ No Englishman can, without being false to his own history and in recent years to his own pledges, take objection to pursuit by others of their own political liberty, nor have I ever been able to appreciate the attitude of those who might be the first in Great Britain to exhort their countrymen only to buy British goods and yet would regard a movement for the encouragement of Swadeshi industry in India as something reprehensible and almost, if not quite, disloyal.”

Then, Sir, we shall be told, and, I am sure, some Member from the other side will do it : “ Why do you distrust the Executive ? We shall apply the law very carefully, and will take everything into consideration.” My answer is : “ The Executive will exercise discretion in applying the law. That is all very well. If that be enough, then abolish all the Courts of law ; abolish all law and leave it to the Executive to administer the country without any law.”

Mr. Sri Prakasa : My amendment are to that effect.

Mr. S. Satyamurti : I am glad, my very talented friend from Benares has given notice of a series of amendments, and I congratulate him on his cleverness. I think, clever as they are, they give a fairly accurate picture of the object of this Bill :

“ Abolish all law and leave it to the executive to administer the country without any law. I daresay, even among the executive, there are men who are highly civilized and highly educated, and knowingly they will not oppress the people of this country. But that is not the point. We cannot consent to live under this kind of law which empowers the executive to do whatever they like.”

And this is what you said, Sir.

Then, Sir, we have got two sections which are also continued as in the old Act, which the Honourable the Home Member slurred over. I do not blame him because they are comparatively unimportant, but from my point of view they are somewhat important. Those are sections 9 and 10 of the Criminal Law Amendment Act. They say that offences under section 7 shall be cognizable and non-bailable and offences mentioned in section 10, while they are now non-cognizable and bailable under the Criminal Procedure Code, shall be cognizable and non-bailable. The Honourable the Home Member gave no reasons for the continuance of these sections. I had some legal doubt in the matter and had almost raised a point of order,

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but I decided not to do so. But I will suggest as an argument that the Criminal Procedure Code is an All-India Act, enacted by this Legislature for the whole of India. This section says :

“ In certain areas at the discretion of the Local Government the Criminal Procedure Code shall not apply ”

Perhaps it is technically right, but I suggest to the House that it is very dangerous to give power to the Executive to abrogate from time to time and in certain selected places the application of All-India laws. It is a dangerous thing, and I think this House, on that single ground, must reject these two clauses, along with the other clauses of the Bill.

We have sections 12 and 13 which really contain a number of sections. This is a most extraordinary Bill. Section 13 is called one section, while really there are five or six sections under that one section. I hope, Sir, that the Government have got some good draftsmen who can really make sense out of these, at least in words. I am sorry these references forwards and backwards are really outrageous. Now, Sir, these two sections are sought to be made permanent. The Statement of Objects and Reasons says that it was enacted to strengthen the Criminal Law Amendment Act of 1908, which is a permanent Act. How do the Government know that it is a permanent Act? My Honourable friend, Mr. B. Das, has got a Bill to repeal only a part of the Criminal Law Amendment Act. Have the Government already made up their mind that even if this House passes that measure, they will advise the Governor General to veto the measure and that the Governor General will listen to their advice and certify the Act to be a permanent Act? It is rather very cool even for the Government of India, when there is a Bill to repeal a particular Act, to say that that Act is permanently on the Statute-book.

Mr. B. Das : They take shelter behind the Governor General. They have also postponed the date for the discussion of my Bill.

Mr. S. Satyamurti : They have also postponed the date. There is another aspect of the question, on which I should like to say a few words :

“ If the Governor General in Council is satisfied to the effect, he may by notification declare an association unlawful ”

The original Act gives power only to the Local Government, whereas this Act wants to give the Government of India that power. The Honourable the Home Member says, if there is an all-India organization, how are we to prohibit it? I submit, Sir, this provision is likely to provoke conflict between the Provincial Governments and the Government of India. Suppose a Provincial Minister in charge of law and order says, “ I do not want to proclaim the Congress an unlawful association in my Province ”, then what is the position of the Government of India? Are they going to treat the association as an unlawful association in spite of the opinion of the Provincial Minister? Otherwise, why do Government want to have this power?

Now, let us see what is an unlawful association? For that, we have got to go back to an ancient Act, Act XIV of 1908 :

“ If the Local Government is of opinion that any association interferes or has for its object the interference with the administration of the law or with the maintenance of law and order or that it constitutes a danger to the public peace, the Government may declare such an association to be unlawful.”

Again, I submit, if there are associations whose object is interference with the administration of the law or with the maintenance of law and order, the present law is amply sufficient and adequate to meet the activities of those associations. The danger comes in only when the Local Government wants to declare as unlawful associations, those which in their opinion "constitutes a danger to the public peace". That power, in the hands of any executive Government, is a real danger to the public peace, not the unlawful association. Who is to be the Judge as to whether these associations are unlawful or not? In this connection, I want to draw your attention, Mr. President, and the attention of the House, to section 17-F, which is the last clause of section 13 of the Criminal Law Amendment Act which says .

"Save as provided in sections 17-B to 17-E no proceedings purporting to be taken under section 17-A to 17-E shall be called in question by any court and no civil or criminal proceedings shall be instituted against any person for having done, etc... ."

These two sections, sections 17-B. and 17-E are very small protection. Section 17-B (ii) merely says "that when movable property is forfeited, a person may make a representation that the property is not liable to forfeiture and the District Judge or the Chief Judge of the Small Cause Court will decide whether the property is or is not liable for forfeiture". On that matter, Sir, he cannot go into the question whether the association is really an unlawful association or even whether the information of the Government is correct that this property is likely to be used in furtherance of the activities of the association.

We have got the other section, section 17-E, which gives them power to forfeit the funds of the unlawful associations, and under sub-section (iii) they can again go to a Court, but here again the Court's jurisdiction is limited. They can only say whether the sums are not liable to forfeiture. With these two special exceptions, all the activities of the Government in connection with what they call unlawful associations, on their own judgment—f forfeiting the property and taking possession of immovable property—all these things are not to be questioned in any Court of law. The Government say that their decision is final.

On this matter, I again want to draw the attention of the House to the words of Chief Justice Hewart who said :

"It is usual to provide that the decision of the Minister shall be final and conclusive. When this is the case, the Courts are powerless to intervene however unjust and absurd a decision may appear to be, and even though it is obviously based on an erroneous view of the law."

"But where one is dealing with a decision given without reasons, by an anonymous official, who is not ascertainable, how can any such matter be proved."

"It may be that the decision is apparently so perverse that the party against whom it is given has a reasonable suspicion that it was dictated by spite or vindictiveness, or was even corrupt. But without knowing who the deciding official is, it is of course impossible for a person aggrieved to prove anything of the kind, or even to furnish grounds for suspecting it. The victim is, in such a case, perfectly helpless, and entirely without remedy."

"It may be said that there is no substantial ground for the fear of unfairness or corruption in the Civil service. As to unfairness, people who have had disputes with public officials may sometimes conceivably hold a contrary opinion. As to corruption, that is a vice from which the Service is completely and undoubtedly free. It is of vital importance that it should so continue."

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These are the important words :

“ But if there were any great extension of the system of giving uncontrolled and arbitrary powers to public officials, it is as certain as that night follows day that corruption might creep in. We might then be cursed with the corrupt bureaucrat. The bureaucratic despot we already have.”

Therefore, it seems to me that from whatever point of view you look at it, these sections cannot be tolerated. I want merely to state how these provisions have been applied in the past. Almost every Congress Committee throughout India was suppressed, as unlawful associations. In Madras, I was in charge of a Khadi and Swadeshi exhibition, run not by the Congress, but by the Madras Mahajana Sabha. This exhibition was invaded and all articles were forfeited. But, afterwards, they were returned on our representation. Perhaps my Leader, when he speaks, will add to this list from his ampler knowledge, but I may tell you, Sir, that I know that in Bombay they declared the following associations as unlawful associations :

Labour Welfare Centre,
Foreign Cloth Boycott Swadeshi Committee,
Anti-Touchability Committee,
Prohibition Committee,
Municipal Sub-Committee,
Swadeshi Prachar Mandir,
Women's Association,
Nationalist Muslim Party,
Nationalist Christian Party.

An Honourable Member : Sweetmeat shops.

Mr. S. Satyamurti : Yes, and even sweetmeat shops.

I hope, Sir, as Honourable Members on this side speak later, they will give their own experiences from their own provinces. This law has been ruthlessly abused in the past, and I suggest, therefore, that there is no guarantee that this law will be properly used.

Then, Sir, I come to the *piece de resistance*, as I may call it, of this Act, and that is the provision for what they call the better control of the Press. I suggest that the extracts which my Honourable friend, the Home Member, read prove that in two provinces there are journals which write such things. But I want to ask him whether these journals were proceeded against under the ordinary law, and whether they were convicted and sentenced.

The Honourable Sir Henry Craik : Yes.

Mr. S. Satyamurti : I want to know whether, in spite of his punishment and sentence, all these papers went on writing in the same strain. What I want to know is this. There is no use throwing at me extracts for which the editors were prosecuted and sentenced, unless the Honourable the Home Member is able to supplement that information with the further information that, in spite of these continuous punishments, the newspapers went on publishing such extracts and articles.

The Honourable Sir Henry Craik : Yes.

Mr. S. Satyamurti : I have not heard that yet. I shall be obliged if at the proper time that can be stated. If that is so, I suggest that the

remedy is under the ordinary law to find out who the real man is who abets this crime. You know perfectly well, Sir, that abetment is an offence under the Indian Penal Code. Why are the police so helpless? They shadow us all the time; they waste public money, but they are not able to get the criminals. That is what it comes to. If there are people who go on abetting these dummy editors, why do you not find them out?

The Honourable Sir Henry Craik : We cannot prove it.

Mr. S. Satyamurti : And, therefore, you punish the innocent people, against whom you cannot prove the guilt. That is the greatest confession which you can make against this Bill. You cannot prove a thing against a man, and yet you want to punish him.

The Honourable Sir Henry Craik : But we know.

Mr. S. Satyamurti : You know nothing. What do you know about us? You think we are all *ex-convicts*, but you really know nothing about us. What do you know about your own Colleagues? All civilised jurisprudence is based on this—that every man shall be presumed to be innocent, until he is proved to be guilty. Is this Government of India going to say, “I cannot find out who the real editor is; I am helpless, I am not able to prove it but I know who he is and, therefore, I will punish him”? When it suits them they say, *Fiat justitia ruat coelum* (let justice be done even though the heavens fall). What is this justice? You want this power. I am glad I got this from the Home Member, “I cannot prove the charge against certain people, and, therefore, I want to punish those whom I suspect. Therefore, enact this law”. Is any single Member of this House going to give this power to this Government to punish, not those who are found to be guilty, but those who may be guilty or innocent but against whom there is no evidence worth proving? It seems to me, therefore, that they give away the whole case for these Press provisions.

Then they say that when the Press Act was in force it was all very good and when the Press Act was removed it was all very bad. Sir, I shall tell you one thing as to how they administer the censorship of news in this country. You know the incident in Jubbulpore, which we could not discuss. Do you know that a week before the news appeared in any Indian paper it appeared in the London papers? The *Daily Herald* flashed it on its front page with big headlines. This Government of India suppressed that news in this country. That is their idea of running the Press Act, and publishing news or running the Government. They have neither the big imagination of a decent Government nor the sense of justice of even the ordinary man. And you have got ample powers to deal with seditious newspapers,—sections 124A, 153A, 99A and 108 of the Criminal Procedure Code. Why don't you use them? And, Sir, I shall quote the distinguished editor of the *Leader*, Mr. C. Y. Chintamani, who cannot be confused even by this Government as a Congress extremist. He says, and very rightly :

“While in one breath we are mockingly told that while the dogs bark the caravan passes on, even the consolation of a cry or a bark is grudged to us and laws have been placed on the Statutebook in restraint of our legitimate liberty to speak out our mind. Frederick the Great told Voltaire that there was a complete understanding between him and his subjects; they were to say what they liked but he was to do what he pleased. Here in India, God knows our Government do what they please but are jealous of our liberty to say what we think.”

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That is a most eloquent commentary on these provisions which are sought to be continued in this Press Act.

Now, what do we stand for ? We stand for the liberty of the Press, that no man ought to be punished for what he writes in his Press, except by due process of law and after trial and conviction. We do not want any special freedom of the Press, but we do not want any special restriction on the Press. Now, Sir, in contrast to the present Home Member's attitude towards the Press, dividing them into sheep and goats and patronising the sheep and leaving the goats outside, a previous Home Member, Sir James Crerar, had a slightly different conception of Government's attitude towards the Press. He said :

" Now, Sir, the main argument which was repeated by those who opposed the Bill was that under colour of a measure directed against the terrorist movement Government were seeking to establish a general control over the press for other, and it was implied, for illegitimate purposes. I hope I have already made it clear that it is not the case. But if it is necessary, I desire to repeat in the most emphatic terms that that is not the case, and it is our desire to enlist the press as a whole in the best interests of the country."

And I suggest, Sir, to the Honourable the Home Member that this attempt to antagonise the Press bodes no good to anybody in this country. We must have the help of the Press, especially when the electorate is going to be enlarged ; and if the Press is to be put under a ban of suspicion and to be treated under these repressive laws, we are mounting up difficulties for ourselves.

Now, Sir, in answer to my friend, Seth Govind Das' question, a statement was placed on the table yesterday morning, copies of which, thanks to the courtesy of the Secretary, have been circulated to us this day ; and I have made a rough calculation. In 1935, 72 newspapers were proceeded against and securities of Rs. 25,950 were taken ; and for publishing articles on the Quetta earthquake 15 newspapers were penalised.

Mr. F. E. James : Have you read them ?

Mr. S. Satyamurti : I have read some of them, but not all. And I think that, because an article is mischievous, you ought not to forfeit the securities. If you do that, the *Statesman* ought to have been dealt with long ago because it writes more mischievous articles than any other paper.

Under the Act of 1931, 166 newspapers have been proceeded against, and security to the extent of two lakhs and a half has been forfeited and 343 papers ceased publication. I submit that this is a ruthless application of the Press law in this country.

An Honourable Member : 448.

Mr. S. Satyamurti : 448 : I stand corrected. The words of this section are—I only want to read one of these—" If it appears to the special Bench on an application, etc., etc., that the words, signs or visible representations contained in the newspaper, book or other document were not of the nature described in section 4..." then the High Court may set aside the order. I had intended to refer to all these cases, but I do not propose to do so. I will read again, with your leave, what you, Sir, said on

this : I want to remind the House that you, Sir, presided with distinction in the Madras High Court for many years and that you were acting Chief Justice : and you said—and I respectfully agree with every word of what you said :

“ I have had something to do with the administration of the old Press Act : and I know what the difficulties are. Every judicial authority has felt and has expressed it in unmistakeable terms. Are you going by this Bill to relieve them of those difficulties ? Most certainly not. You are having the same provisions which have been condemned more than once. Cannot Government learn by experience, the experience of the past ? ”

They have not learnt. Like the Bourbons of old, the Government of India neither learn nor forget :

“ When you vest the control of the press in the Government, that is, to find whether certain sections of the press have or have not offended against the provisions of clause 4 of this Bill, it really means that the Government will exercise that control, as we know from past experience, against the press which criticises its measures, and it will not apply those provisions to that section of the press which carries on propaganda in favour of Government ”

I did not say that, Sir. You did ; and I agree with that. All these sub-sections which are sought to be added to this by section 16 of the Criminal Law Amendment Act are provided for in the ordinary law. As regards this seduction of the army, it seems to me, according to the Government it should be an insult : for Sir James Crerar said :

“ The section to which he refers is no doubt a good punitive section against seduction of troops from their allegiance ; but what we rely far more upon than that section is the unshaken and steadfast loyalty of our troops and not on any punitive measure whatsoever ”

Then why do you want this sub-section (d) ? Sub-section (e) is already provided for in the Indian Penal Code. Sub-section (f)
 4 P.M. —refuse or defer payment of any land revenue or tax—according to this, if I advise a man who is poor not to borrow money to pay land tax, but to defer it until he gets some money after harvest, I shall be guilty of an offence. Clause (i)—to prejudice the recruitment of persons to serve in any of His Majesty's Forces. What “ prejudice ” means I do not know, and, therefore, either this section is already provided for in the ordinary law or is mischievous to the extent it tries to go beyond that.

I submit that, on a careful reading of all these sections, you will find that it is impossible for any one to escape the wrath of the Executive. If I criticise a Government measure, if I am an editor of a press, the heavy hand of the Government can come upon me and the High Courts can give me precious little relief. I have got cases reported in 41 Calcutta, 35 Madras and 56 Bombay. I do not propose to take more of the time of the House by quoting from those decisions ; but I think I should commend to those who are interested in this matter to peruse those decisions—one of them by Chief Justice Jenkins, one by yourself, Sir, and one by Chief Justice Beaumont : and all of them say that this so-called appeal to the High Court is illusory and meaningless. These sections are intended to strengthen the control of the Executive over the press.

I want to make another point—it arises from one of these decisions. What does “ government established by law ” mean ? Does it mean or does it not mean the executive government ? A high judicial authority says it means that. In the provinces we are going to have, I am told,

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responsible government, which means that the entire Government will be the government established by law. Supposing I am in the Opposition, how can I displace that Government, by an appeal to the electorate, unless I bring them into hatred and contempt, by exposing their actions, their omissions and pointing out where they have failed and where they have misbehaved? It seems to me that a moment's thought ought to convince anybody that the working of responsible democratic party government is wholly inconsistent with this Bill. In England you have no such section : you have got to prove overt acts : you cannot punish a man for holding an opinion or expressing it ; and it does seem to me that in the future executive Government once a ministry becomes a ministry, it can prevent its being destroyed any time, because whatever the opposition may say will come within the all-pervasive clauses of this Bill and democratic Government will become impossible.

While on this matter, may I say one thing more ? The reason why in democratically governed countries there is no necessity for such laws at all is that the oppressed people know that by the use of the ballot box, they can change the Government and put themselves in power. It is this sense of impotency in this country against an irremovable executive, against a conscienceless bureaucracy which goes on governing as it likes in spite of the people, which does cause these various movements ; and it does seem to me that the way to deal with these movements is not to try to suppress them, but to deal with them in the only manner known to democratic and civilised countries, namely, by establishing responsible party government in those countries.

I want again to echo your own words, Sir :

“ I submit that unless there is really something much deeper behind this Bill than we can fathom, on the face of it, this Bill is a measure which lacks justification altogether.”

We are not able to see any justification for it ; and in the words of Lord Irwin :

“ In so far as the present movement involves any of the forces that we call nationalism, I would repeat what I have said more than once, that an attempt to meet the case with rigid and unyielding opposition is merely to repeat the unintelligent mistake of King Canute.”

On the whole, Sir, it seems to me that the Government are legislating in a fit of temper ; and legislating in a fit of temper is not statesmanship. The futility of repressive legislation ought to be apparent to the Government. The history of all countries shows it. Has repressive legislation killed nationalism in Ireland, in Egypt, or in Russia, or in any country ? Why do you believe that you can kill nationalism by this repressive legislation ? And after all are Government so clear in their minds that Civil Disobedience ought to be killed ? It is the inherent right of man, and it does seem to me that all government must depend upon this fundamental basis that while in normal times subjects ought to give unquestioning obedience to the Government, when crises arise it is undoubtedly the duty of citizens to break unjust laws, so long as they take the consequences ; and you cannot put down that movement by any stretch of imagination. They may feel horrified. Supposing we come into power and we enact that Europeans in this country shall wear Khaddar dhoties alone and go about in Khaddar shirts, I should not be surprised if these

gentlemen break into Civil Disobedience then. Therefore, it does seem to me. . .

The Honourable Sir James Grigg (Finance Member) . Not civil

Mr. S. Satyamurti : My friend says not civil,—I agree,—disobedience, but not civil, and that is the note which I want to strike. Sir, is the Government perfectly clear that the ills of humanity can be better solved by physical warfare, and not by Civil Disobedience ? Today Italy and Abyssinia are almost going to war. Britain and France stand helpless, Germany's ways are mysterious, Russia, no one knows. And is the Honourable the Home Member perfectly clear in his mind that Mahatma Gandhi in India is not doing a service, not alone to his own country but to the whole of humanity, by substituting soul force for physical force ? ("Hear, hear", *from Congress Party Benches*.) Are we clear in our own minds that Civil Disobedience may not be the saviour of human civilization to set right individual and national wrongs, that Civil Disobedience may not be the far more humane, the far more civilized method, than the brutal warfare which kills innocent women and children ? It does seem to me, therefore, that even on fundamentals, the Government is hopelessly wrong. The true remedy is Swaraj for all these things. Even then there may be Civil Disobedience, but we shall meet it by administering the laws judicially, or by resigning and giving place to those who want to practise Civil Disobedience. Then, they will learn that they cannot or need not practise Civil Disobedience.

And what is the object of the Government in this Bill ? I suggest they want to enthrone bureaucracy, they want to stifle all criticism, they want to obstruct Swadeshi and prohibition and any kind of decent social reform. They want to interfere with peaceful picketing, they want to introduce a new criminal procedure in the country, they want to prevent all associations which the Government dislike from functioning, they want to stifle the Press. What is the kind of public opinion or public activity they want ? A certain class of animals whom I shall not name, invited another class of animals to attend and sing at a marriage party. At that party music was going on, and each said to the other. "Oh, what a fine voice you have, what a fine figure you have !" I shall not name the animals. . . .

An Honourable Member : Who are those animals ?

Mr. S. Satyamurti . I suggest, therefore, that the Government want to live in their own way, taking public opinion from their sycophants who say "Oh, what a Sircar ? What a Grigg, what a Sir Henry ? There is a lot of statesmanship in them ; they know what there is to know, what they do not know is not worth knowing, and they are serving and working for the best interests of the country. Long live the Executive Government of India". Is that the kind of public opinion they want ? It seems to me, Sir, that this Bill shows the wicked intention that is behind their minds.

Therefore, I come to these conclusions. You don't believe in your own reforms. You treat yourselves as an armed camp in a hostile country, and therefore you want these powers. You do not trust your own Courts of justice, and you want the angry planter or the angry colonel or the angry civilian to rule this country. I know you will enact this measure in spite of us, but I want to say this. This is not only bad law, but it

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purports to abrogate whatever rule of law we have to regulate the political activities in this country. This measure seeks to substitute executive discretion and power for the judgment of the Courts. And it seems to me, Sir, that if in spite of the warning of this House, if in spite of the experience of other countries, if in spite of the experience in their own country, the Government will enact this measure in spite of public opinion, they are ignoring the writing on the wall and they are driving another nail in their own coffin, for, Sir,—

“ The moving finger writes and having writ
Moves on ; Nor all thy piety nor wit
Shall lure it back to cancel half a line,
Nor all thy tears wash a word of it.”

I oppose this motion. (Loud and Prolonged Applause.)

Mr. P. J. Griffiths (Bengal : Nominated Official) : Sir, it is with no little trepidation that I rise to make this my maiden speech in this Assembly upon so controversial a matter, a matter which has already called forth the splendid eloquence of Mr. Satyamurti and will no doubt attract into the arena other speakers of his calibre. I can only justify my temerity on this occasion by the fact that I have some personal experience of the matters to which this Bill relates. During the past two years as District Magistrate of the notorious district of Midnapore, I have been in close contact,—may I say, Sir, in unpleasantly close contact,—with terrorism and other subversive movements, and, as a result, the point of view from which I regard this Bill is entirely different from that from which the Honourable Member opposite regards it. To many Members of this House, Sir, this Bill deals with abstract principles, and they are content to oppose it upon academic grounds, but to us, who are called upon to maintain peace and tranquillity in the districts of this country, it deals with powers which we know are vitally necessary for the maintenance of the peace and that tranquillity. (“Hear, hear” *from Official Benches*.) I must congratulate Mr. Satyamurti upon the restraint with which he has conducted his opposition, but, unfortunately, Sir, that same restraint has not been practised in the campaign carried on against this measure in the press in recent weeks. We have been told that this Bill strikes a serious blow at the liberties of India, that it symbolises the enslavement of the Indian people, and that it indicates the unfitness of the bureaucracy to govern this country. I hope to satisfy Honourable Members of this House that those apprehensions are quite groundless, that this Bill is in no sense drastic, and that it in no sense interferes with any of the fundamental liberties of the subject. I challenge Honourable Members opposite on this point. Which fundamental liberties of the subject does this Bill touch ? Does it touch the right of *Habeas Corpus* ? Does it touch the right of open trial ? (*Several Honourable Members* : “Yes.”) Does it touch the liberty of the individual to record his vote ? Does it affect the right of Honourable Members to use every possible legitimate influence in their own constituencies ? All these things are the main ingredients of the fundamental liberties of the citizen and they are left untouched by this Bill. The ordinary peaceful citizen is untouched in pocket, unhampered in his work, and unrestricted in his recreations by this measure, unless Honourable Members contend that picketing is one of the reasonable recreations of a peaceful

citizen. That this measure is in no sense drastic may be readily seen, Sir, by comparison with the legislation in other countries which have a terrorist problem to face.

May I, in the first place, call the attention of my friends to a country which is, I believe, dear to the hearts of many of my friends,—I refer to Soviet Russia. No doubt, Honourable Members have read in the press recently an account of the execution of 63 citizens of Soviet Russia without trial, without evidence, simply on suspicion that they were hatching a conspiracy. Again, let us turn to a more civilized country. Let us turn to Italy. During the past few years, confiscation of wealth of leading citizens without trial, and without evidence, has become part and parcel of the ordinary administration of the country. I am not here to defend those acts, but I am here to ask Honourable Members to preserve a sense of proportion and to remember that, if they are prepared to call methods of this kind drastic, they will have no words left in their vocabulary to describe the measures in force in those other countries.

Several Honourable Members.: There they have National Governments.

Mr. P. J. Griffiths : As Honourable Members will probably not be prepared to accept the analogy of Italy or of Soviet Russia, may I call to their attention the analogy of England? Honourable Members have no doubt very much more detailed knowledge of English history than I can claim, and they will remember the exceedingly severe legislation which was passed in England before, at the time of and after the Chartist movement. England, at the time of the Chartist movement, was in very much the same position as India has been in during the past few years, and the legislation which is now being proposed is very much milder than the six Acts or the other legislation which was enacted in the early part of the nineteenth century in England. The plain truth is that no country, which has to deal with subversive movements, can avoid having special legislation, but the Government of India, largely because it is a Government based upon the will of the people.... (*Some Members on the Opposition Benches* : "Oh!")—I repeat, largely because it is a Government based upon the will of the people, has always had a rooted dislike to unnecessarily drastic legislation, and that Government has, therefore, placed before the House a Bill which would be considered milk and water in any other country where the terrorist problem exists.

Now, Sir, let us consider briefly what the effect of the present Bill will be. Its effect is fourfold. In the first place, it will make the Indian Press Emergency Powers Act permanent. In the second place, it will make permanent the power to take possession of a notified place used for the purposes of an unlawful association. In the third place, it creates permanently two substantive offences. In the fourth place,—and this point has been lost sight of by Honourable Members on that side of the House,—in the fourth place, it deletes from the Statute-book four very serious offences which exist at the present time. From the date of the passing of this Bill, dissuasion from enlistment, tampering with public servants, boycotting public servants, and dissemination of false rumours, will, in general, not be offences under the law of this land. It will be open to any citizen of this country, who wishes to do so, to dissuade from enlistment to that very army which Honourable Members opposite wanted to send to Abyssinia. It will be open to any citizen without fear of con-

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sequences to induce petty Government subordinates to neglect or misdo their duties. It will be open to any ordinary citizen to boycott public servants, be they high or low. It will be open to any ordinary citizen to conduct himself in such a way as to paralyse the administration of this country. These four things which have ceased to be offences were actually done in many parts of British India not so very long ago, and there is no certainty that they will not be done again. But notwithstanding that fact, the Government of India in their anxiety to avoid being too drastic are prepared to give up these offences and to delete them from the Statute-book.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta)]

Let me turn now to the specific question of the Indian Press Emergency Powers Act. If we are to justify the continuance of this Act, we have to make out two propositions. The first proposition is that at every time when the press of this country has been free from restrictions similar to those under the present Act, the irresponsible section of the press has indulged in deliberately inflammatory writing. Having proved that proposition, my next task will be to show that such deliberately inflammatory writing actually is dangerous in practice and does lend practical support to the terrorist movement. Let me deal first with the contention that, on every occasion, when no such legislation is in force a section of the press has been inflammatory. Instead of indulging in long, and perhaps unconvincing, arguments, I propose to read to the House three very brief extracts. The first extract is taken from a paper in Bengal and was written just after the Chittagong Armoury Raid, at a time when no restriction on the press was in force. This is the extract :

The Swadhinata, 25th April, 1930.—"Revolutionary Bengal has revealed itself in Chittagong on the distant frontier of Bengal, as a result of the ruthless oppression of the English Nation extending over hundred years, the rebellious soul of India has more than once struck Government in different places. But such success as at Chittagong was never noticed anywhere. Remembering this military expedition of revolutionary Bengal, the head of the Nation is today bent in respect, their hearts are inflated with hope, enthusiasm and joy and glory."

Do Honourable Members want to lend their support to publication of deliberately revolutionary matter of that nature ?

An Honourable Member : What is the name of the paper ?

Mr. P. J. Griffiths : *Swadhinata* of the 24th April, 1930, page 3 of the printed extracts. I will pass on to another extract from *Mukti*, dated the 3rd December, 1928.....

Mr. B. Das : On a point of information, Sir. The Honourable the Home Member said that the extracts would be circulated to all Members. I have not received a copy, and I do not think that anybody else on this side has received it.

Mr. P. J. Griffiths : If the Honourable Member is anxious, I will let him have a copy of the extract. This is an extract from the *Mukti* of 1928.

The Mukti, 3rd December, 1928.—"The sacred fire of the Revolution was lighted by Rousseau and Voltaire, and Lenin led the fire of the Russian revolution like this. We want that fire should burn in our country like the same. If that fire burns everything, let it burn ; but it has become our greatest need."

I would call the special attention of Honourable Members to the last sentence, "If that fire burns everything, let it burn". In other words, "Revolution may proceed to disastrous lengths, but revolution we will have". I should like to know whether Honourable Members on that side of the House approve of publication of matters of this nature.

(Dr. Bhagavan Das rose in his place on a point of information.)

Some Honourable Members : Order, order. He does not give way.

Mr. P. J. Griffiths : I may request my Honourable friend to wait till the conclusion of my speech.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Is it a point of order ?

Dr. Bhagavan Das (Cities of the United Provinces : Non-Muhamadan Urban) : On a point of information, Sir.

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member does not give way.

Mr. P. J. Griffiths : The last extract which I propose to read and to which I hope Honourable Members will listen carefully is an extract from the *Advance* of the 7th July, 1931, an extract which has no doubt been debated before in this House, but I quote it here again, because it is the worst of all examples that I have come across of deliberately inflammatory writing. It reads :

The Advance (Calcutta), 7th July, 1931.—

"Dauntless Dimesh Dies with the Dawn.
Thousands gather at Street Crossings
Body cremated inside Prison Compound
Immediate *Hartal* all over the City.

And death is all the brighter that he died.
And Heaven is all the happier that he's there
Yes what is all that fires a hero's scorn of death—
the hope to live in hearts unborn."

My only comment on that is that Dinesh Gupta was a murderer, and, in accordance with the tradition of a certain section of the irresponsible press, murderers were adulated. These are the facts in support of my contention that, whenever any such law as the present one is not in force, very large sections of the press become irresponsible.

I now come to the second part of my argument. Honourable Members may say that, though these things are written in the press, they do not do any practical harm. I want to contradict that statement from my own personal knowledge and the personal knowledge of everybody who is concerned with the terrorist movement. I do not know whether Honourable Members have any idea as to what is the ordinary process of recruitment to the terrorist party.

An Honourable Member : All unemployed.

Mr. P. J. Griffiths : Terrorist recruiting agents do not go and say "We are terrorist agents". They start off by giving the recent literature to read. In the first place, they give him comparatively harmless literature to read, and, then, in the second place, they lead him on to inflammatory articles in the irresponsible press. I am not speaking of one case. I have seen the cases of two or three hundred boys who were being recruited into

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the terrorist movement. Many of these two or three hundred boys have made statements, and, in literally every case, the path of recruitment has been through inflammatory literature. If, Sir, we are to permit literature of this nature to be published, we can make up our minds once for all that terrorism will continue to be a menace in this country. Those, Sir, are the grounds on which I contend that the press sections of this Act are essential.

I now wish to deal with the obvious objections which will be raised by Honourable Members opposite. We shall be told in the first place that if this Act passes into law no reasonable freedom will be left to the press. We shall be told that the press has been deprived of the power of reasonable criticism of the actions of Government. On that point, I hope to convince Members of this House merely by reading to them three extracts from articles which have appeared in the press, even under the aegis of the present law. By so doing I hope to satisfy Honourable Members that the present law allows ample scope not merely for just criticism, not merely for reasonable criticism but for unjust, untrue and unreasonable criticism. In reading these extracts, I am not concerned with the truth or the falsity of the matters referred to. I merely wish to show Honourable Members that very great freedom of criticism does exist in the press under the present law. This is from the *Rangoon Mail* :

“ We have often drawn attention in these columns to the hard lot of the Bengal detenus and the very unfair, inequitable and harsh treatment generally meted out to them ”

I am not concerned with the question as to whether the treatment meted out to them is unfair, inequitable and harsh. The point at issue is that under the present law, which is exactly the law which the present Bill proposes to reproduce, harsh criticism of this kind can be levelled against the Government from day to day. I shall quote another example, and this refers to the situation in Lahore and Amritsar :

“ The Journalists' Association records its emphatic protest against the action of the District Magistrates of Lahore and Amritsar in imposing indiscriminately, most hateful and illegal form of censorship on all newspapers, which constitutes an unwarranted attack on the self-respect and independence of the Press.”

That may or may not be true, but would that writing be possible if Government, with the present powers in its hands, were determined to suppress the freedom of the press. The very fact that articles of this kind are published from day to day is a clear and convincing proof that under the present law, the Press has ample and perhaps more than ample freedom.

I turn briefly to the next objection of the opposite side of the House, the objection that the ordinary laws should suffice. This argument is based on a misunderstanding. Apparently the desire of Members on the opposite side of the House is to punish miscreants, whereas the desire of the Government of India is to prevent mischief. We are quite aware that there are ample powers under the various Codes to punish people after they have done something wrong but our aim is to have preventive sections which will induce those people not to commit that particular offence. It is perfectly true that one such section exists in the ordinary law. I refer to section 99A of the Criminal Procedure Code. My objection to section 99A of the Criminal Procedure Code is that it applies to only one issue of the paper in which the offensive article appeared. One more point in that connection I will touch briefly. The Honourable the Home Member spoke

of the question of dummy editors. My Honourable friend, Mr. Satyamurti, argued that the Honourable the Home Member wished to punish people regarding whose guilt he had no proof. If I may say so, my Honourable friend entirely missed the point. It is not a question of punishment by any process of law. If security is to be deposited, who is going to deposit the security? Does the Honourable Member imagine that the dummy editor will deposit the security? The security will be deposited by the person actually concerned in the running of the paper and when the security is forfeited, it is that person who will have lost his money. Government may not know, it does not matter whether they know, who the real editor of the paper is but whosoever was responsible for the paper will have lost his thousand rupees or whatever the figure may be. I think that sufficiently disposes off the point made by my friend, Mr. Satyamurti.

Then, Sir, we are told that this Act is unnecessary because the Civil Disobedience Movement has now been abandoned. That, Sir, is a point on which my Honourable friends opposite are more competent to speak than myself. From their speeches and from the wording of the resolutions of the Congress Working Committee, the ordinary plain man in the street would by no means feel so certain that Civil Disobedience had been finally abandoned.

Mr. S. Satyamurti : It will never be. It can never be.

Mr. P. J. Griffiths : That being so, that disposes of Mr. Satyamurti's other arguments. It is because my friend says that that movement will never be abandoned that we on this side of the House claim that permanent legislation is required. If my Honourable friend could say that the Civil Disobedience Movement would probably be abandoned in three years time then there might be some justification for the argument that this should be temporary legislation but we have just been told that it will never be abandoned and as long as so subversive a movement is not abandoned, so long an Act of this kind will be necessary.

I pass on from the question of Civil Disobedience. Civil Disobedience is not the only subversive movement which we have known in this country. I have already spoken of terrorism. I do not quite know how far Honourable Members on the opposite side of the House are prepared to admit that terrorism is still a living factor in the situation. If they are not so prepared, I can prove it to them but it will save a great deal of time, if it is admitted that terrorism is as real a problem now as it was five years ago. I admit that there has been great improvement in public opinion, particularly in the province in which I serve and in the district in which I serve. That I readily acknowledge but in spite of that the fact remains that terrorist plans, terrorist outrages and terrorist recruitment are still going on and as long as those plans, those outrages and that recruitment continue, so long it is necessary to ensure that deliberately inflammatory articles are not published in the vernacular press. Another objection which may be raised to this Bill is that it interferes with liberty. Speaking for myself, I consider that there is very little foundation in this objection. Of course, it interferes with liberty. Every Statute placed upon the Statute-book in this House interferes with somebody's liberty. The only question is whose liberty it interferes with. Does it interfere with the liberty of the majority of decent, peaceful citizens or does it interfere only with the liberty of those who wish to plunge this country into civil war?

[Mr. P. J. Griffiths.]

Only a few days ago we were discussing the Cinematograph Bill on the floor of the House. I understand that under that Act every film exhibited to the public has to be censored. I did not hear my Honourable friends objecting to that on the ground that it interferes with liberty. If it is reasonable to interfere with the exhibition of objectionable and dangerous films, why is it not reasonable to interfere with the publication of objectionable and even more dangerous literature? As a matter of fact, there is perhaps no word which is more abused in this House and elsewhere than this unfortunate word 'Liberty'. The essence of civilisation is the subordination of the liberty of the individual for the benefit of the community. I understand, Sir, that the purveying of poisons requires a licence. Do my Honourable friends opposite suggest that that constitutes an infringement of liberty? Would they propose that fire-arms, guns and poisons should be handed about freely to whosoever asks for them? If they are prepared to concede that the purveying of poisons and dangerous drugs requires restrictions to be placed on it, why are some such restrictions not required on the most dangerous of all poisons? I refer to dangerous and inflammatory literature (Loud Applause.) Once we get to the hard ground of practical fact, Sir, we at once realize that it is the bounden duty of Government to protect the youth of this country from contamination by the lying and dangerous statements which have appeared from time to time in certain sections of the press. During the course of the last few years I have had a good deal of connection with terrorist youths in Bengal. I have been struck in every case with their extreme ignorance, their extreme immaturity, their extreme emotional instability and the extremely dangerous way in which their feelings can be played upon by any kind of sentimentality. Now, it is our duty to protect those youths, while they are still immature, from contamination by this dangerous poison. (Hear, hear.) The policy of the Government is radically opposite to the policy advocated by the Members on the opposite side. Their policy is: "wait till an offence is committed and then send the offender to jail".

Mr. S. Satyamurti : That is the civilized policy.

Mr. P. J. Griffiths : I am surprised that it can be suggested that we should wait till we are forced to send young boys to jail, I am surprised at Mr. Satyamurti's remark. As far as we can, we try to administer justice but it is also our concern and our constant ambition not to send young boys to jail. (Interruptions.) The Honourable Member interrupting may believe me when I say that it was a pitiable sight three years ago to see the jails in Bengal crammed with youths who certainly would not have been there but for the dissemination of this poisonous literature. (Hear, hear.)

I turn now, Sir, briefly to the question of the working of the Act. In the first place, I would ask Honourable Members to observe that the effect of the Indian Press (Emergency Powers) Act is very moderate in its working. (Voices : "Oh, Oh!") It imposes no kind of censorship and it does not involve suppression. It lays down two simple principles. The first is that if a newspaper publishes certain kinds of objectionable articles, that newspaper has to deposit security. Is there any very great hardship in that, Sir? It lays down, secondly, that if that

newspaper repeats the offence after this definite and formal warning, if that newspaper again publishes inflammatory articles, that newspaper then has to forfeit its security deposit. Is it a very great injustice, is it a very great hardship (*Voices* : "Not at all !"), that some financial penalty should be levied upon a newspaper which has deliberately on two separate occasions, and after one solemn warning, published inflammatory literature ? After all, Sir, what are the particular kinds of taings which the newspaper may not publish ? They are these :

Firstly, "which incites to or tends to incite or to encourage the commission of any offence of murder". Do Honourable Members want that newspapers should be free to publish incitements to murder ?

An Honourable Member : They may be punished by a Court of law.

Mr. P. J. Griffiths : Secondly, "which tends to seduce any officer, soldier, sailor or airman or any police officer from his allegiance or duty". In a very short time, Sir, Honourable Members on that side will be the Government of India. (*Voices* : "Oh, Oh !") Do they then wish that, under their regime, every Tom, Dick and Harry shall be at liberty to seduce their soldiers, their sailors, their police officers, their Civil Surgeons, from their allegiance to them ? (Hear, hear.) Well, if they do so want, then I can only suggest that they are laying a rod in pickle for their own backs. (Hear, hear.)

Now, Sir, let me deal with the question of the administration of this Act. I have told the House that the Act is moderate ; I have now to convince the House that the administration of the Act has been still more moderate (*Voices* : "Oh, Oh !") I wonder if Honourable Members have any idea how many newspapers there are in British India. I will tell them. There are 4,630 newspapers. The total number of security orders—and this includes both newspapers and presses—is 781, that is, a little less than one in six, in less than one out of six cases newspapers have been required to deposit security. Of these 781 newspapers, in how many cases has the deposit been forfeited ? Twenty-five. These are not my figures but are available to the Honourable Member opposite himself. Out of 4,630 cases, in only 25 cases has the security deposit been forfeited,—a little less than one in 180 ! Can it be pretended that Government has secured a strangle-hold upon the press of this country merely because one in 180 has had to forfeit its security deposit ? (Loud Applause) And what are the amounts of these security deposit ? Doubtless Honourable Members know that the Local Governments can demand a security deposit up to Rs. 3,000, but Government does not do this. Government never wishes to proceed to extremes (*A Voice* : "Infinite kindness !") Yes, it is a great kindness. Of the newspapers, only in one case out of six has that security exceeded a thousand rupees. I would like to ask Honourable Members whether they wish that the press of this country should be in the hands of such men of straw that they cannot deposit one thousand rupees (*Voices* : "Oh, Oh !") Again, Sir, while I deal with the question of the moderate administration of this Act, I may say that of some 4,200 prosecutions launched under section 18 (1) of the Indian Press (Emergency Powers) Act, some four thousand have resulted in a conviction ! My Honourable friend has told us that he has complete faith in the Courts of this country but not in the Executive. He will observe that practically every case sent up by the Executive has resulted in a conviction by the very Courts in

[Mr. P. J. Griffiths.]

which he has faith. (Loud Applause.) I have only one other point to make in this connection, Sir, and that is to deal with the allegation that the Act is stifling the press. I wonder if Honourable Members opposite have troubled to get the figures as to the number of newspapers in existence five years ago and the number of newspapers now in existence. They will be interested to know that the number of newspapers in British India has increased by 716 in the last four years, and the number of printing presses has increased by 1,029. (Hear, hear.) Does that suggest to an impartial mind that Government is exercising a strangle-hold upon the press? Does it not conclusively prove that the people most concerned, the people who run the newspaper business themselves realize that as long as they can comport themselves with some kind of decency, they have ample safety, ample liberty and complete justice? (Loud and Prolonged Applause.) Finally, Sir, I wish to read to you in this connection a quotation from the very high authority whom the Honourable the Home Member quoted this morning, but as the latter part of the quotation is more germane to my present point, I should like to read that part of the quotation. This is from *Young India* of the 28th May, 1931, and purports to come from Mr. Gandhi :

“ I have before me extracts from journals containing some gruesome things—These are communal incitement, gross misrepresentation, and incitement to political violence bordering on murder.”

Now, this is the important point. I suggest Honourable Members should listen to the important point which is now coming :

“ The real remedy is a healthy public opinion.” (Hear, hear.)

I hope the applause will continue :

“ We have our journalist association. Why should it not create a department whose business would be to study various journals and find objectionable articles and bring them to the notice of their respective editors ? ”

That was an article by Mr. Gandhi in May, 1931, when there was no Press Act in force. The Government of India waited patiently for a long time ; they hoped that some notice would be taken of that appeal by Mr. Gandhi. Was anything done ? Did the Journalists Association make the least attempt to bring its influence or to bring public opinion to bear upon the question of the publication of these inflammatory articles ? No, Sir. For five months after that warning the Association remained silent, and, as a result, Government were compelled to bring in in October, 1931, the Press Emergency Powers Act. Mr. Gandhi's words were the correct words—the real remedy lies in the hands of the journalists themselves. And it is because a certain section—I do not say the majority—of journalists refused to take their responsibility seriously that Government has had to step in and enforce this responsibility for them.

The next effect of the Act is the power to take possession of notified places or to confiscate funds. I understand this subject will be dealt with more in detail by other speakers and therefore I propose to be very brief about it. I merely wish to say this that the power to take possession of a place which is used by an unlawful association is merely a logical corollary to the fact that you have declared that association unlawful. We are not discussing here today whether Government should or should not have the power to declare associations unlawful. Under

the present law Government has that power and I cannot conceive of any man of reason maintaining that Government can declare an association unlawful but should not have power to confiscate the funds of that association—or in other words, that we should be compelled to sit by idly and watch an admittedly unlawful association carry out its nefarious activities. I may also say in this connection that without some such power it would be utterly impossible to prevent or even to make less likely secret meetings of those very associations which have been declared illegal. I must pass on quickly. The last effect of the Act is to create two substantive offences. The first of those substantive offences is that laid down in section 5 of the existing Criminal Law Amendment Act which refers to the dissemination of the contents of forfeited documents. Here we are not dealing with the question as to whether any document should be forfeited or should not be forfeited. If the view of the opposite side of the House is that no document should be forfeited, then they will have to introduce a very great body of legislation. They will have to repeal the Sea Customs Act, the Posts and Telegraphs Act and a dozen other Acts which could easily be named. As the law at present stands, certain documents are liable to forfeiture and are forfeited. What could be more illogical and what could be more stupid than to confiscate those documents and allow some one to memorise them and read them out? No sane Government could contemplate such an extreme inconsistency. As long as you have a law for the forfeiture of documents, so long you must have a power to make dissemination of those documents or the contents of those documents a penal offence. One more point which is perhaps hardly relevant here and which I missed in my remarks about the press. My Honourable friend, Mr Satyamurti, said : Why do you want this central legislation about the press? He said the worst trouble is in Bengal and in the Punjab and in Bengal you have special Acts which deal with these matters. so there is no necessity for such legislation here. I am afraid, my Honourable friend is misinformed. There is no special legislation in Bengal which gives Government any kind of control over the press. I presume he had in mind sections 35 and 36 of the Bengal Suppression of Terrorists Outrages Act. Those sections deal with an exceedingly limited class of cases and are meant not so much for application to the press but for application to private individuals who pass round printed or manuscript copies of seditious literature. My Honourable friend is misinformed when he says that that legislation for this purpose is available in Bengal.

The last point with which I wish to deal is section 7 of the Criminal Law Amendment Act at present in force. That deals with molesting and picketing. The Government of India object to molesting and picketing because experience has shown that there is no such thing as peaceful picketing. Picketing may start as peaceful—this is not theory that I am talking but it is what every Member of this House has seen with his own eyes—but it invariably finishes up in disorder and violence. If Honourable Members want concrete examples, I will give them one that comes to my mind. Take, for example, Dacca. I hope there is some Honourable Member who comes from Dacca and who can corroborate what I say. There in the year 1929-30, picketing molestation and enforced hartals were the order of the day.

Mr. Surya Kumar Som (Dacca Division : Non-Muhammadan Rural) . It is absolutely false

Mr. P. J. Griffiths : I fear, Sir, the Honourable Member must have stayed inside of his house. But I was the whole time in Dacca and saw it happening day after day and week after week. Here the shopkeepers were forced to join in hartals and were picketed if they refused to do so. It so happened that most of the poor shopkeepers were Muhammadans whereas most of the wealthier people were Hindus. That was an unfortunate accident but the effect of this picketing and enforced hartals was that there were communal riots in 1930 and I challenge any Member of this House who was in Dacca at that time to repudiate those facts in detail. But, Sir, Dacca is not the only example. You have Cawnpore and you have a dozen other examples in the last ten years where picketing and molestation have led, as they always must lead, to violence and to defiance of law and order. It is very common to say, as my Honourable friend has said, that the ordinary law is quite adequate to deal with picketing and molestation. He read out a very interesting series of extracts from rulings and he tried to establish conclusively the argument that those acts are offences under the ordinary law. I do not know if my friend is a lawyer but if he is I can only hope that he will be a High Court Judge before long and I hope that he will then persuade Courts to take that very view which he has now enunciated. These sections are introduced because our practical experience shows that convictions cannot be secured for molestation and picketing under the ordinary law except in the most exceptional circumstances. Do not let the Honourable Member think that this is a new idea. The Honourable Member is apt to think that all this time neither the Government of India nor its officials have ever read the Indian Penal Code. I can assure the Honourable Member that for the last few years we have been reading the Indian Penal Code most diligently. We have been most diligently looking for ways of dealing with miscreants and in particular of dealing with picketers and people who molest and it is because we have failed to find a remedy under the ordinary criminal law that the Government of India have had to resort to the proposed present section.

I have nothing more to say, Sir, except this that this Assembly is the forerunner of what will be the Government of India in a very short time and the best service that this Assembly can render to that future Government is to arm that Government with the very weapons which they will otherwise have to seek for themselves. If Honourable Members opposite had a true sense of gratitude they would be thanking the Honourable the Home Member for saving them the most unpleasant task which would assuredly fall to their lot in two or three years' time. But, Sir, the best augury for the future Government of India will be if this Assembly will display its sense of responsibility by lending its support to a measure which steers the midway course between liberty on the one hand and licence on the other hand. (Loud and Prolonged Applause.)

The Assembly then adjourned till Eleven of the Clock on Friday, the 6th September, 1935.

LEGISLATIVE ASSEMBLY.

Friday, 6th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

RECRUITMENT OF PROBATIONERS IN THE TRAFFIC DEPARTMENT OF THE CALCUTTA PORT TRUST.

155. ***Mr. Basanta Kumar Das :** (a) Did the Calcutta Port Trust authorities ever hold any departmental examination, as was set forth in the programme of training for the probationers appointed by them in 1929 in the Traffic Department, to test their relative ability, efficiency and intelligence ? If not, why not ?

(b) Is it not a fact that Government employees of almost all grades of services, including those in the Imperial ranks, have to sit, before their confirmation in the services, for departmental examinations and the results thereof go to determine their progress at the early stages of their careers ?

(c) If the answer to part (b) be in the affirmative, do the Calcutta Port Trust authorities adopt a similar system with regard to the services under them ? If not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) No. The probationers were required to submit monthly reports on the work done by them. The sectional heads also interviewed them and reported on their progress. They were further interviewed at regular intervals by the head of the Department and interrogated as to their work. It was considered that the manner in which the probationers did their work furnished sufficient indication of their ability.

(b) It is not a fact, although there are a few Government services in which the passing of departmental examinations after appointment is a necessary preliminary to confirmation.

(c) Departmental examinations are not held by the Calcutta Port Commissioners because they consider that the results of such examinations would not give a correct index as to a man's qualifications for an outdoor supervising post where character, personality and temperament are of at least as great importance as ability to secure high results in examinations.

Mr. Basanta Kumar Das : If examinations are not held, on what basis are the entrants to the services confirmed in their respective posts ?

The Honourable Sir Muhammad Zafrullah Khan : On the progress report of their work.

Mr. Basanta Kumar Das : Do the Port Trust authorities draw up any comparative statement of the quality of the work done by the candidates in order to see whether any man should be promoted in preference to another man ?

The Honourable Sir Muhammad Zafrullah Khan : As I have already read out in the answer, reports are made from time to time on the progress they are making with regard to their work, and, it is on the basis of these reports, that the result is arrived at as to the comparative merits of the different probationers.

APPOINTMENT OF ONE MR. HOGAN AS A YARD MASTER IN THE TRAFFIC DEPARTMENT OF THE CALCUTTA PORT TRUST.

156. ***Mr. Basanta Kumar Das :** (a) Will Government be pleased to state whether it is a fact that towards the middle of the year 1934, the Calcutta Port Trust authorities appointed one Mr. Hogan as a Yard Master in their Traffic Department ?

(b) If the answer to part (a) be in the affirmative, what are the qualifications, academic or otherwise, of Mr. Hogan and on what salary has he been appointed ?

(c) Is it a fact that Mr. Hogan has been appointed on a higher initial salary than what usually happens to be the "Scale" of a Yard Master in the Port Trust ? If so, what are the special reasons for doing so ?

(d) Was the vacancy, before it was filled up, at all notified ? If not, how did the Port Trust authorities ascertain that no Indian with qualifications similar to or better than Mr. Hogan's would offer himself as a candidate for appointment, and what made them to come to the conclusion that Mr. Hogan was the best available person for the post ?

(e) Is it a fact that one Mr. Crawford, an outsider, has been appointed by the Calcutta Port Trust authorities ? If so, was his post advertised, and why was no probationer appointed ?

(f) Is it a fact that Messrs Bolst and Ward, who had retired from the services, have again been taken in by the Calcutta Port Trust authorities ? If so, will Government be pleased to state the circumstances under which they have been re-appointed ?

(g) Will Government be pleased to lay on the table of the House the correspondence that passed between them and the Calcutta Port Trust authorities and the Bengal Government with regard to the resolution passed in the Council of State in September, 1932, on the question of Indianisation of Port Trust services ?

(h) Is it a fact that in pursuance of the resolution passed in the Council of State in September, 1932, on the question of Indianisation of Port Trust services, the Calcutta Port Trust authorities formulated the policy that in the ordinary circumstances it would not be necessary to recruit non-Indians for most of their Departments and Sections ?

(i) If so, will Government be pleased to state why that policy has been departed from in the case of the appointments referred to in parts (a), (e) and (f) above ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) Mr. Hogan had 15 years' Railway experience. He had passed the Guard's and Assistant Station Master's examination and the Junior and Senior Audit Examinations. He had also passed as Section Controller at the A. S. M. Training School. While on ten months' leave out of India in 1933-34 he passed in "Railway Economics" at Cardiff Technical College, was attached to the G. W. Railway at Cardiff for five months and studied Goods and Docks working, Yard working, Train control, Goods Depot work, Claims and Rates and Parcels work. He was appointed as Yard Master in the Traffic Department of the Calcutta Port Commissioners on a pay of Rs. 440 per mensem in the scale of Rs. 300—20—600.

(c) Yes. His services could not have been secured on the minimum pay.

(d) No. About this time there was a sudden and unexpected increase of work in the Transportation Section, an increase which coincided with the death of one and the retirement of two experienced officers. In consequence the Port Commissioners required an experienced Railway man at short notice and applied to the Railways. Mr. Hogan was strongly recommended by the East Indian Railway authorities.

(e) Yes. The post was advertised. No probationer was found qualified for the post.

(f) Yes, on a temporary basis, because there was a rush of work and experienced traffic officers were required.

(g) A copy of the correspondence is laid on the table of the House.

(h) Yes.

(i) The position has been explained in reply to parts (a), (d), (e) and (f) of this question. I would, however, add that Mr. Crawford is a statutory Indian.

Madras, Marine (Finance) Department,
Bombay, Political Department,
Bengal, Marine Department,
Burma, Revenue Department,

Letter to the Secretary to the Government of

and the Chief Commissioner, Aden, No. 204-P. & L. 32, dated the 19th April, 1933.

I am directed to address you on the subject of the Indianization of Port Trust Services.

2. As the Local Government
(you) are (no doubt) aware Sir (then Mr) P. C. Sethna, in January, 1922, moved a Resolution to the following effect in the Council of State :

“ This Council recommends to the Governor General in Council that steps be taken to increase the number of Indians in the higher grades in the services of the Port Trusts, and to lay down a definite policy in regard to the same for the future.”

The Government of India in accepting the Resolution made it clear that in their view the most practical way in which Government could give effect to it would be the amendment of the Port Acts so as to strengthen Indian representation on the Port Trust Boards. Accordingly, the Port Acts of all major ports except Aden were amended with this end in view.

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3. Since the acceptance of the above Resolution by the Government of India, the question of the appointment of Indians in substantial numbers to the higher grades of the Port Trust Services has received considerable attention both in and outside the Legislature. Questions have been asked on numerous occasions in the Central Legislature as to the action taken by Government and the Port Trusts on the Resolution and as to the progress achieved in the direction of Indianization in the different branches of the Port Trust Services. Frequently also, more especially in recent years, representations have been made by Indian commercial bodies and others expressing dissatisfaction with the slow rate of Indianization or alleging specific instances in which appointments have been filled without due regard to the possibility of employing eligible Indians. In September, 1932, the Honourable Sir P. C. Sethna again moved a Resolution on the subject in the Council of State in the following terms :

“ This Council recommends to the Governor General in Council to adopt effective measures to secure a substantial improvement in the matter of Indianizing the services of the Port Trusts to an appreciable extent.”

This Resolution, as will be seen from the Council of State Debates, Volume II—No. 4, pages 169—186, was accepted by the Government of India on the understanding that it did not commit Government to further amendment of the constitutions of Port Trusts.

4. The Government of India note with satisfaction that Port Trusts are generally in sympathy with the principle of Indianization and recognize the importance of adopting measures to secure a wider employment of Indians in their Superior Services. The stage has, however, now been reached at which it is desirable that concrete proposals or programme should be formulated for carrying through an effective policy of Indianization. Under the various Port Acts, except in the case of certain high posts, the statutory power to make appointments to their Superior Services is vested in the Port Trusts, and the power to implement a policy of Indianization of these Services lies therefore mainly with the Port Trusts themselves. They are, moreover, in the best position to judge, having regard to the special conditions of each port, what steps should be taken to hasten the pace of Indianization, and also to indicate the practical limitations or difficulties, if any, which oppose themselves to the recruitment of Indians in particular Departments. The Government of India, therefore, consider that the onus of formulating detailed schemes for carrying out the purpose of the Resolution lies primarily on the Port Trusts themselves, I am accordingly to request that the Resolution may be brought to the notice

	<u>Madras, Port Trust</u>	
	<u>Bombay and Karachi Port Trusts</u>	
of the	<u>Calcutta Port Commissioners</u>	and the Government of India informed
	<u>Rangoon Port Commissioners</u>	
	<u>Aden Port Trust</u>	

in detail, as soon as possible, of the specific measures which the Port Trust(s)
Commissioners*

propose to take to give effect to the Resolution. The Government of India would be glad if the Local Government would at the same time favour them with their views

as to the adequacy of any proposals made by the Port Trust(s)
Commissioners* together with

suggestions as to any further action which may usefully be taken for the attainment of the object in view.

5. A number of the superior posts under the Port Trusts require mercantile marine qualifications, and one of the factors which have militated against the appointment of Indians to these posts has been the dearth of Indian candidates possessing the requisite qualifications. The position, however, will be rectified when passed cadets of the Indian Mercantile Marine Training Ship “ Dufferin ” have obtained their certificates of competency and have acquired the necessary experience. It is in the highest degree desirable that the local material which will thus become available should be utilized to the fullest extent possible in filling appointments for which the possession of mercantile marine qualifications is considered essential. The Government of India have accordingly already embodied in the recruitment rules of the Bengal Pilot Service provision to the effect that preference shall be given to candidates

who have passed through the "Dufferin". I am to enquire whether the
Madras Port Trust
Bombay and Karachi Port Trusts
Port Commissioners
Aden Port Trust

would be prepared, in filling such posts under

them, to give a similar preference to ex-"Dufferin" cadets possessing the requisite qualifications

6. The Government of India are frequently called upon to answer questions in the Legislature regarding the progress of Indianization in the Port Trust Services and are obliged on practically all such occasions to call for the requisite information from the Local Governments. In order to obviate, as far as possible, the labour and inconvenience involved in the compilation of the relevant data at frequent intervals, I am to request that the Government of India may be furnished in January each year with :

- (a) a report on the progress of Indianization of the Superior Services under
Madras Port Trust
Bombay and Karachi Port Trusts
the control of the Calcutta Port Commissioners during the preced-
Rangoon Port Commissioners
Aden Port Trust

ing twelve months, in which the circumstances attending the various appointments made in the course of the year should be fairly fully explained, and

- (b) a statement in the attached form showing the superior staff of the various branches of their Services as on the 31st December of the previous year.

I am also to say that the Government of India consider it desirable that they should remain in close touch with current developments in regard to the process of Indianization and would therefore be glad if they could be kept fully and constantly supplied with all relevant information on the subject which is likely to be of interest to them.

Name.

Nationality and Religion*.

Designation.

Scale of pay.

Present pay.

Total Service.

Remarks.

Copy of letter No. 2646-Mne., dated the 12th December, 1933, from the Government of Bengal, Commerce and Marine Departments, to the Government of India, Department of Commerce, New Delhi.

SUBJECT :—Indianization of Port Trust Services.

I am directed to refer to Mr. Raisman's letter No. 204-P. & L.32, dated the 19th April, 1933, on the above subject, and to say that, as requested by the Government of India, the Resolution of Honourable Sir P. C. Sethna was brought to the notice of the Port Commissioners, Calcutta. A copy of the reply of the Chairman in his letter No. 58402, dated the 11th September, 1933, is enclosed for the information of the Government of India.

2. The Chairman states that the policy of the Calcutta Port Commissioners is that if there is any person already in their service fully qualified and in every way suitable for the vacant post, that person will be promoted, and the appointment made regardless of race. If there is no suitable person in their service, and in consequence the vacancy has to be filled from outside, full opportunities will be given to Indians to apply for the vacancy, and when an Indian with the necessary qualification is available and candidates of other nationalities are not better fitted for the post, the

*I.e., whether European, Anglo-Indian or Indian.

Indian candidates will be appointed. The Chairman states that this policy has been unanimously accepted by the Commissioners, and, as the Government of India are aware, three of the Commissioners are elected by the Bengal National Chamber of Commerce, one by the Indian Chamber of Commerce, and one by the Corporation of Calcutta.

3. The Chairman also states that the Commissioners have taken action to ensure that, as far as possible, Indians will be appointed to their service suitable for promotion to higher appointments. In the Traffic Department, probationers have been appointed for special training as officers; in the Accounts Department, qualified accountants have been appointed as Inspectors of Accounts, so that it should no longer be necessary for the Commissioners to recruit from outside for the senior appointments in the Accounts Department. Indian assistants have also been appointed in the Engineering Department.

4. From further enquiries it has been ascertained that the system of appointing probationers in the Traffic Department for special training as officers was started in 1922. Two men were then appointed and both are now officiating as Deputy Dock Superintendents, each drawing Rs. 1,000 per mensem. Another probationer was appointed in 1924, but, as he was found unsuitable for the service, his services were terminated in 1927. Another was appointed in his place, but he also proved unsuitable and was transferred to a post of Head Shed Clerk. In 1928 three probationers were appointed. One was transferred to the Secretary's Department, and he is now an Assistant Secretary; one is now officiating as Superintendent, Kantapukur, on a salary of Rs. 600 per mensem while the third proved unsuitable and his services were terminated in 1932. Six more probationers were appointed towards the end of 1929, and they are still in the Commissioners' service.

5. As regards the Accounts Department, the appointment of qualified accountants as Inspectors of Accounts was started only in 1931. Three qualified Indians were appointed in 1931 (of these one was a promoted clerk), and two more were appointed from outside in 1932, while some men already in the service have also qualified as accountants. In this connection I am to refer to the correspondence ending with the Local Government's letter No 402-Mne, dated the 11th February, 1933, from which it will be seen that, with the exception of the present Chief Accountant and Deputy Chief Accountant, all the present accounts staff of the Commissioners are statutory natives of India, that the Commissioners have accepted the position that as regards future recruits to their Accounts Department enrolment on the Register of Accountants will be regarded as a sufficient qualification, and that owing to the arrangements made for the recruitment of qualified officers to junior posts in the Accounts Department it should ordinarily be unnecessary to recruit from outside to the posts of Chief and Deputy Chief Accountant. Since then the Commissioners as the result of a reference made to them by the Local Government in connection with the letter of the Government of India, Department of Commerce, No. 28 (1)-T & E. (R.A.), dated the 1st September, have revised their further decision that in future all appointments from outside to posts of Audit Inspector or senior posts will be restricted to persons enrolled on the Register of Accountants (*vide* the Port Commissioners' letter No 05840, dated the 31st January, 1933, a copy of which was forwarded to the Government of India with the letter quoted earlier in this paragraph from the Local Government). The reason for this change in view, which the Local Government regard as reasonable, is contained in the enclosed letter of the Chairman, No. 66112, dated the 23rd October, 1933.

6. With regard to the engineering side of the Port Commissioner's work, it has been ascertained that there are now five Indian Assistant Engineers in the Commissioners' service, one of whom is now officiating as an Assistant Executive Engineer. Two of these engineers however are promoted subordinates, and are said to be not fully qualified for further promotion.

7. With regard to paragraph 5 of Mr. Raisman's letter, it will be seen that the Commissioners will be prepared to give preference to *ex*-"Dufferin" cadets possessing Master Mariner's certificates when such candidates are available. The Commissioners, however, expect candidates to have served afloat at least as second officers and prefer them to have served as Chief officers. Apart from posts which must be filled by Master Mariners, it is said that there are several posts requiring sea experience, which have in the past been necessarily filled by Europeans, but which the Commissioners intend to fill with *ex*-"Dufferin" cadets with second mates certificates when they are available. Such posts are second officers in the Commissioners' Dredger and Despatch vessel service and it is the Commissioners' intention to appoint *ex*-"Dufferin" cadets possessing second mates certificates to these posts

with a view to training them as Berthing Masters. It is stated also that in the River Survey the recruitment of Europeans has ceased, and that three out of the last four appointments have been made direct from the "Duffern". This method of recruitment the Commissioners intend to follow in future.

8 The Chairman states that the recruitment of some Europeans will still be necessary in the Chief Mechanical Engineer's Department owing to the dearth of qualified Indian mechanical engineers with the necessary practical experience, especially of ship repair work. Marine Engineers with Board of Trade Certificates are also required, and it is stated that there are few Indians available with this qualification. It is also stated that there are no Indian shipwrights. Whenever Indians with the necessary qualifications are available however they are being appointed and it is stated that the electrical section is already under an Indian Electrical Engineer.

9. I am to say that the Local Government have nothing to add to the letter of the Chairman with respect to the policy pursued by the Commissioners. The Chairman states that the Commissioners have taken such action as is within their power to Indianize their services. He goes on to say that the rate of Indianization must depend upon the retirement of the European officers now in their service. The Local Government are of the opinion that as the Commissioners have accepted generally the principle that where properly qualified Indians are available, they will receive preference, no further action can be taken by Government towards Indianization. In particular, the Local Government invite the attention of the Government of India to the fact that the Commissioners are unanimously opposed to any suggestion that Europeans should be compulsorily retired to make way for Indians. With this sentiment the Local Government are in entire agreement, and they trust that any such idea would be strongly opposed by the Government of India.

10. I am to add that the information requested in paragraph 6 of Mr. Raisman's letter as amended by Mr. Stuart-Smith's letter No. 233-P. & L (4)33, dated the 23rd September, 1933, will be forwarded regularly to the Government of India.

I have the honour to be,

SIR,

Your most obedient servant,

(Sd.)

Joint Secretary to the Government of Bengal.

Copy of a letter No. 58402, dated the 11th September, 1933, from the Chairman of the Commissioners for the Port of Calcutta, to the Secretary to the Government of Bengal, Marine Department.

I have the honour to refer to your letter No. 60-T. Marine, dated the 1st May, 1933, forwarding a copy of letter from the Government of India, Department of Commerce, No. 204-P. & L.32, dated the 19th April, 1933, on the subject of the Indianization of Port Trust services.

2. The policy of the Calcutta Port Commissioners in the matter of filling appointments is as follows. If there is any person already in their service fully qualified and in every way suitable for a vacant post, he will be promoted and the appointment will be made regardless of race. If there is no suitable person in their service and in consequence the vacancy has to be filled from outside, full opportunities will be given to Indians to apply and when an Indian with the necessary qualifications is available and candidates of other nationalities are not better fitted for the post, the Indian candidates will be appointed. This policy was unanimously accepted by the Commissioners.

3. The Commissioners have taken action to ensure as far as possible that there will be Indians in the service suitable for promotion to higher appointments. In the Traffic Department probationers have been appointed for special training as officers; in the Accounts Department, qualified accountants have been appointed as Inspectors of Accounts so that it should no longer be necessary for the Commissioners to recruit from outside for the senior posts in this Department; and Indian assistants have been appointed in the Engineering Department.

4. As a result of the action taken, it will not be necessary in ordinary circumstances to recruit Europeans for any post in the Trust, other than posts in the Deputy Conservator's and Chief Mechanical Engineer's departments. I say in ordinary

circumstances because it is always possible that the necessity for an outside appointment may arise, and there may not be a suitable Indian candidate available.

5. The recruitment of Europeans will still be necessary for the Deputy Conservator's department because the incumbents of many posts must be holders of Master Mariner's certificates, and Indians with this qualification are not now available. They will be available in the future, and the Government of India ask whether the Commissioners will then be prepared to give them preference. The reply is in the affirmative, but it must be remembered that the mere possession of a Master Mariner's certificate is not sufficient as the Commissioners expect candidates to have served afloat at least as second officers and prefer them to have served as Chief Officers. Apart from posts which must be filled by Master Mariners, there are several posts requiring sea experience, which have in the past necessarily been filled by Europeans. *Ex-*"Dufferin" cadets with Second Mates certificates will shortly be available and it is intended to appoint them when vacancies occur as second officers in the Commissioners' Dredger and Despatch vessel service with a view to training them as Berthing Masters. In another important section of the Deputy Conservator's Department, *viz.*, the River Survey, men can be recruited young and receive the necessary training in the service. The recruitment of Europeans for this section has ceased, the three out of the last four appointments made have been direct from the "Dufferin". This method of recruitment will be followed in future.

6. The recruitment of some Europeans will still be necessary in the Chief Mechanical Engineer's Department owing to the dearth of qualified Indian Mechanical Engineers with the necessary practical experience, especially of ship repair work which is such an important part of the work of this department. Also, Marine Engineers with B. O. T. certificates are necessary and there are at present few Indians available with this qualification, and there are no Indian shipwrights. Whenever Indians with the necessary qualifications are available, they are being appointed and the electrical section is already under an Indian Electrical Engineer.

7. The Commissioners have taken such action as is within their power to Indianise their services, but the rate of Indianization must depend upon the rate of retirement of the European officers now in their service. It has never been suggested that Europeans should be compulsorily retired to make way for Indians, and the Commissioners would be unanimously opposed to any such action. The rate of Indianization has also been adversely effected by the abolition of posts on account of trade depression.

8. The Commissioners will in future forward to you annually the report and statement referred to in paragraph 6 of the letter from the Government of India.

THE COMMISSIONERS FOR THE PORT OF CALCUTTA.

The 23rd October, 1933.

No. 66112.

FROM

T. H. ELDERTON, Esq.,

Chairman,

TO

THE SECRETARY TO THE GOVERNMENT OF BENGAL,

MARINE DEPARTMENT.

SIR,

I have the honour to refer to your letter No. 422-T [Mne, dated the 9th October, 1933, forwarding copy of a letter from the Government of India, Department of Commerce, No. 28 (1)-T. & E. (R.A.), dated the 1st September, 1933, regarding Auditor's Certificates Rules, 1932.

The Government of India in the last paragraph of their letter ask the Local Government to consider the desirability of prescribing enrolment on the Register of Accountants as the qualification required of candidates for various posts requiring knowledge of accountancy. The Port Commissioners would not be prepared to insist upon this qualification in the case of their service, for the following reasons :

- (a) No person will be eligible for enrolment on the Register under Rule 6 (a) unless he has completed a certain period of service under articles. This

would exclude from enrolment all persons who have received their early practical training in the Commissioners' service.

- (b) There would appear to be no justification for insisting upon a person qualified for enrolment under rule 6 to incur the cost of enrolment when he had no desire to act as a public accountant and would not be permitted by the Commissioners to do so.

At present men who are obtaining their practical experience in the Commissioners' service can acquire by private study the theoretical knowledge which is necessary for promotion to the highest posts, and they can prove the possession of this knowledge by passing the examination qualifying for the Government Diploma of Accountancy or the examinations held by bodies such as the London Association of Accountants. The Commissioners would certainly not be prepared to adopt any course which would unnecessarily exclude from promotion men who have all the theoretical knowledge required for enrolment on the Register and also have long experience of the practical side of their duties in the Commissioners' service.

I take this opportunity to correct the statement made in the penultimate paragraph of this office letter No. 5840, dated the 31st January, 1933. Although anyone enrolled on the Register of Accountants will be deemed sufficiently qualified for any post in the Commissioners' Accounts Department, future appointment from outside to posts of Audit Inspector or senior posts cannot be restricted to such persons. Theoretical qualifications such as the qualification G. D. A. will certainly be insisted upon but to prescribe the further condition of enrolment on the Register of Accountants might only render it impossible to appoint the most suitable candidate.

I have, etc.,

(Sd.) T. H. ELDERTON,

Chairman.

Mr. Basanta Kumar Das : How long will these men be retained ?

The Honourable Sir Muhammad Zafrullah Khan : I can discover that if the Honourable Member is anxious to know.

Mr. Basanta Kumar Das : How long after their retirement they were taken in ?

The Honourable Sir Muhammad Zafrullah Khan : I have no information on the point, but I can discover that if the Honourable Member wants.

Mr. S. Satyamurti : With reference to the answer to part (h), may I know if this policy is being enforced now ? Are they recruiting only Indians now ?

The Honourable Sir Muhammad Zafrullah Khan : No, if you mean *only* Indians. If you mean progressive recruitment of Indians, yes.

Mr. S. Satyamurti : What proportion of Indians and non-Indians is recruited ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot state the exact proportion of recruitment of Indians, but I may say that every year the recruitment of Indians has been on an increasing scale.

Mr. S. Satyamurti : What is the exact proportion ?

The Honourable Sir Muhammad Zafrullah Khan : I can give that. In 1927, there were 64 Indians, including Anglo-Indians and 235 Europeans. The percentage of Indians, including Anglo-Indians, was 21 per cent. In 1932, Indians including Anglo-Indians were 147, and Europeans 293. The percentage of Indians including Anglo-Indians was

33. In 1935, there are 204 Indians including Anglo-Indians and Europeans 295. The percentage of Indians including Anglo-Indians is 40. In 1927, Indians, excluding Anglo-Indians, were 14 and the percentage was 4.6. In 1935, Indians, excluding Anglo-Indians, are 88, percentage 17.6.

RECRUITMENT OF INDIANS IN THE CALCUTTA PORT TRUST.

157. ***Mr. Basanta Kumar Das :** (a) Is it not a fact that in the latest Administration Report of the Bombay Port Trust it has been maintained that during the last ten years, the authorities at Bombay while filling up vacancies did not appoint any European, if Indian candidates with the requisite qualifications were available ?

(b) What steps do Government propose to take in order that the legitimate aspirations of qualified Indians may not be neglected by the Calcutta Port Trust authorities ?

The Honourable Sir Muhammad Zafrullah Khan : (a) It is presumed that the Honourable Member refers to the following statement in the Administration Report of the Bombay Port Trust for 1933-34 :

“ ‘ ‘ ‘ no European has been recruited to any post in the Trust carrying a salary of Rs. 500 and over during the past ten years, except in the case of certain specialised appointments in the Port and Engineering Departments requiring technical qualifications not yet possessed by Indians, such as Dredging Masters and Engineers with Board of Trade certificates or Master Mariners with Foreign-going certificates. ”

(b) Government have no reason to suppose that the legitimate aspirations of qualified Indians are being neglected by the Calcutta Port Trust authorities.

APPOINTMENT OF NON-INDIANS AS PROBATIONARY ASSISTANT RIVER SURVEYORS IN THE CALCUTTA PORT TRUST.

158 ***Mr. Basanta Kumar Das :** (a) Will Government be pleased to state whether it is a fact that in the month of June, 1934, two non-Indians, as distinct from persons of pure Indian parentage, were appointed as probationary Assistant River Surveyors by the Calcutta Port Trust authorities ?

(b) If the answer to part (a) be in the affirmative, were those non-Indians appointed due to Indians with similar qualifications not being available or not offering as candidates for appointment ?

(c) What are the qualifications of the persons appointed, and what is the scale of salary for an Assistant River Surveyor during the probationary period and on confirmation ?

(d) Were the posts, before being filled up, properly advertised ? If not, what was the reason for the Calcutta Port Trust authorities for not providing adequate opportunities to Indians who might have otherwise offered themselves as candidates for appointments, and how did the authorities determine that the persons appointed were with their qualifications the best available for the posts ?

(e) Is it not a fact that the persons appointed never served as cadets in the Mercantile Marine Training Ship *Dufferin* ?

(f) Was it not decided by the Calcutta Port Trust authorities that River Survey section of the Deputy Conservator's Department could be Indianised without difficulty by taking in cadets from the Mercantile Marine Training Ship *Dufferin*, as being eminently suitable for the purpose?

(g) If the answer to parts (e) and (f) be in the affirmative, what is the reason for prescribing one set of qualifications for non-Indians and another for Indians?

The Honourable Sir Muhammad Zafrullah Khan : (a) Two Anglo-Indians who are Statutory Indians were appointed as probationary Assistant River Surveyors on the 1st June, 1934.

(b) The names of three Indian candidates were received from the Principal, Bengal Engineering College, but the candidates were found to be over-age.

(c) The qualifications required of probationary Assistant River Surveyors are given in the statement laid on the table. The probationers appointed possessed these qualifications.

The salary during the probationary period of three years is Rs. 75, Rs. 95 and Rs. 115 per mensem, respectively. The pay on confirmation is Rs. 200 in the scale of Rs. 75—20—95—115—200—250—310—30—400—450—50—1,200 per mensem

(d) The posts have not been advertised in the past. The names of three Indian candidates were received through the Principal of the Bengal Engineering College. I believe it is intended to advertise these posts in the future. The two probationers appointed were considered suitable.

(e) Yes

(f) The following is an extract from a letter of the Chairman of the Port Commissioners to the Secretary to the Government of Bengal, dated the 11th September, 1933 :

“ In another important section of the Deputy Conservator's Department, *viz*, the River Survey, men can be recruited young and receive the necessary training in the service. The recruitment of Europeans for this section has ceased and three out of the last four appointments made have been direct from the ‘Dufferin’. This method of recruitment will be followed in future.”

(g) The qualifications required are the same for all candidates, Indians and non-Indians.

Statement showing the qualifications required of probationary Assistant River Surveyors in the service of the Calcutta Port Commissioners.

(1) The candidate should be less than 18 years of age.

(2) The candidate should have passed the Senior Cambridge Examination, or its equivalent, with credit in Mathematics, which must include Trigonometry.

(3) The candidate should be of good physique and produce a medical certificate of fitness with specific reference to absence of any defect or weakness of eye-sight. The candidate will be further examined by the Commissioners' Medical Officer prior to entry.

(4) The candidate must produce a certificate of conduct and character from the head of his last school.

INDIANS, ANGLO-INDIANS AND EUROPEANS SERVING IN PORT TRUST IN INDIA.

159. ***Mr. Basanta Kumar Das** : With reference to the answers to starred questions Nos. 537 and 308 (b) and (c), asked in this House on the 29th February, 1932, and 31st August, 1933, respectively, will Government be pleased to state separately the number of the Indian, European, and Anglo-Indian officers serving up to date in the higher and more remunerative posts in all the Port Trusts ?

The Honourable Sir Muhammad Zafrullah Khan : A statement giving the required information is laid on the table.

Statement showing the number of Superior Officers in the various Port Trusts holding appointments carrying a maximum salary of Rs. 500 and over as on the 31st March, 1935 (in the case of Aden upto the 31st December, 1934).

Port Trust.	Indian	European.	Anglo-Indian.	Mauritius.	Chinese	American
1. Madras ..	6	12	..	..	..	..
2. Calcutta ..	25	114	85	..	..	..
3. Bombay ..	32	74	11	1	..	..
4. Karachi ..	10	18	2	..	..	..
5. Chittagong ..	..	8	.	..	..	.
6. Rangoon ..	12	59	20	.	2	1
7. Aden ..	1	10		..	..	..
Totals ..	86	295	118	1	2	1

INDIANISATION OF SERVICES IN PORT TRUSTS IN INDIA.

160. ***Mr. Basanta Kumar Das** : What measures do Government propose to adopt in order to ensure the speeding up of the Indianisation of the services in all the Port Trusts in India ?

The Honourable Sir Muhammad Zafrullah Khan : The desirability of Indianising the superior services under them has been brought to the notice of the Port Trusts and the Government of India have been informed that the Port Trusts have generally taken and will continue to take such action as lies within their power to accelerate the process of Indianisation.

Mr. Basanta Kumar Das : Has any time limit been fixed within which Indianisation of the services in the Port Trusts is to be completed ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. S. Satyamurti : When was this communication sent to the Port Trusts by Government ?

The Honourable Sir Muhammad Zafrullah Khan : The correspondence I have laid on the table supplies all the information. I think it was on the 19th April, 1933.

Mr. S. Satyamurti : Since then, how many Indians have been appointed to the superior services of the Port Trusts ?

The Honourable Sir Muhammad Zafrullah Khan : I shall require notice of that question.

Mr. Lalchand Navalrai : May I know if there are any Indians as Chairmen of Port Trusts ?

The Honourable Sir Muhammad Zafrullah Khan : Notice of this question has already been received and it will be replied to when it is reached.

REPORT ON THE CO-OPERATIVE MOVEMENT IN INDIA SUBMITTED BY
MR. M. L. DARLING.

161. **Mr. Basanta Kumar Das :** (a) Is it a fact that Mr. M. L. Darling, I.C.S., Special Officer in the Finance Department of the Government of India, has submitted to Government a report on the Co-operative movement in India ?

(b) If so, will Government be pleased to lay on the table of the House a copy of the said report and to state what action they propose to take on the said report ?

The Honourable Sir James Grigg : (a) and (b). Mr. Darling was primarily appointed to advise on the constitution of the Agricultural Credit Department of the Reserve Bank and the methods by which this Department could best assist agricultural credit including the co-operative movement. To his main report Mr. Darling has added a report on the co-operative movement in India as a whole and notes on the movement in the various provinces. The reports are primarily intended for the consideration of the Board of the Reserve Bank to whom they have been forwarded, and Government are not in a position to make any statement regarding their publication until they have received the views of the Board.

Prof. N. G. Ranga : Have Government reviewed those reports ?

The Honourable Sir James Grigg : As I say, it is primarily for the Board of the Reserve Bank to review them. The duty of considering the question of agricultural credit has been placed upon them by Statute.

Prof. N. G. Ranga : Has it been reviewed by the Board of Directors of the Reserve Bank ?

The Honourable Sir James Grigg : It is under consideration. Whether they have completed their review I cannot say.

Mr. M. Ananthasayanam Ayyangar : When was the report sent to the Reserve Bank ?

The Honourable Sir James Grigg : I do not know exactly, but some months ago.

Mr. M. Ananthasayanam Ayyangar : What have the Reserve Bank done till now ?

The Honourable Sir James Grigg : I have just answered that question. The Report is under their consideration, but I cannot say whether they have completed their consideration of it or not.

Mr. Basanta Kumar Das : Did Mr. Darling investigate into the working of the department in all the various provinces ?

The Honourable Sir James Grigg : I cannot say off-hand about every province, but he certainly did it in most of them.

SCHEMES FOR RURAL DEVELOPMENT RECEIVED FROM THE PROVINCIAL GOVERNMENTS.

162. ***Mr. Basanta Kumar Das :** (a) Will Government be pleased to lay on the table the schemes for rural uplift received from the Provincial Governments ?

(b) Will Government be pleased to state how the one crore of rupees, granted for the rural uplift, has been allotted to the different provinces ?

(c) Have Government made an estimate of the sum that will be required for thorough rural uplift work to be carried on with a programme involving continuous work for the next few years ?

(d) Do Government propose to include in the programme of work for rural uplift the work of reviving village industries ? If so, are Government prepared to consider the desirability of co-ordinating the Government scheme with that of the Congress scheme that may be formulated under the auspices of the Village Industries Association ?

The Honourable Sir James Grigg : (a) and (b). A statement showing the distribution of the grant and the schemes recommended by the Local Governments and approved by the Government of India is laid on the table.

(c) It would be impossible to form such an estimate.

(d) As the Honourable Member will see from the statement, some of the Provinces propose to devote part of their grants to the improvement of village industries. The Government of India have not required Local Governments to co-ordinate their schemes with schemes formulated under the auspices of the Congress Village Industries Association.

Perhaps I may say that I think there is now available a full supply of this statement for the use of Honourable Members.

The Government of India Grant for Rural Development in 1935-36.

In the budget speech for 1935-36 it was announced that the Government of India proposed to make a grant of Rs. 1 crore for distribution to the Provinces to be spent on schemes for the economic development and improvement of rural areas. It was indicated that 10 or 15 lakhs of this sum would be earmarked for the purpose of assisting the co-operative movement and that the remainder would be allocated among the Provinces on the basis of rural population. The money was to be spent on schemes approved by the Government of India which would improve the economic position of the people in rural areas. The term 'economic position' was intended in its broadest sense, i.e., it was meant to cover measures designed to improve the actual

money incomes of the people as well as those designed to improve their health and education. The schemes were of course to be additional schemes, *i.e.*, over and above the ordinary activities of the Provincial Governments.

A demand was laid before the Legislative Assembly for the transfer of one crore from the 1934-35 surplus to a special fund to be devoted to the economic development of rural areas. At a later stage it was proposed to transfer to the fund the unallocated balance of that surplus, then estimated to amount to 13 lakhs, in order to provide scope for varying the allotments payable on the rural population basis where it seemed desirable to do so, particularly in the case of some of the economically backward Provinces.

In the first place, 15 lakhs have been set aside for developing the co-operative movement. Even before the decision to make a grant of Rs. 1 crore was taken, the Government of India had placed Mr. M. L. Darling, formerly Registrar of Co-operative Societies, Punjab, and an acknowledged authority on the subject, on special duty to enquire into the state of the co-operative movement in each Province with a view to assisting the Reserve Bank in developing its proposals for the creation of its agricultural credit department. As the result of his enquiries Mr. Darling was impressed with the neglect from which, in certain of the Provinces at any rate, education in the principles and practice of the movement of official as well as non-official workers engaged in it had suffered. He was strongly of opinion that unless this neglect were promptly remedied, there would be no real revival of co-operation. The Government of India recognise how wide is the scope for co-operative principles in rural reconstruction. They, therefore, agreed with Mr. Darling's view that their proposed contribution for developing the co-operative movement should be devoted to giving effect to the educational schemes which he had worked out in consultation with the Provincial Registrars of Co-operative Societies. Local Governments have been informed of this and the Government of India now await their final views on Mr. Darling's proposals. On receipt of these the sum of Rs. 15 lakhs will be distributed.

Next 85 lakhs were allocated on the basis of rural population as follows :—

							Rs. Lakhs.
Madras .. .. .	..	..	..	..	..	..	14
Bombay .. .. .	..	..	..	..	..	..	6
Bengal .. .. .	..	..	..	..	..	..	16
United Provinces ..	..	..	..	..	..	..	15
Punjab . . . . .	..	..	..	..	..	..	7.5
Burma . . . . .	..	..	..	..	..	..	5
Bihar and Orissa ..	..	..	..	..	..	..	12.5
Central Provinces ..	..	..	..	..	..	..	5
North-West Frontier Province	..	..	..	..	..	..	1
Assam .. .. .	..	..	..	..	..	..	3

Then from the supplementary amount available, $\frac{1}{2}$ lakh was set aside for each of Coorg, Delhi and Ajmer-Merwara, while an additional 2 lakhs each were assigned to Assam and the North-West Frontier Province. These two

Provinces are sparsely populated and economically backward and clearly offer the most abundant opportunities for development. The needs of Assam and its case for special treatment have been recognised on all hands in recent years.

Finally the Government of India considered that the distribution on the basis of rural population somewhat under-estimated the needs and claims of Bombay and the Punjab and an additional lakh was given to each of these Provinces.

Thus, in the end, 92½ lakhs have been allotted, as shown in the following table, and 5½ lakhs have been kept in reserve :—

	Rs.
	Lakhs.
Madras	14
Bombay	7
Bengal	16
United Provinces	15
Punjab	8.5
Burma	5
Bihar and Orissa	12.5
Central Provinces	5
North-West Frontier Province	3
Assam	5
Delhi	0.5
Ajmer-Merwara	0.5
Coorg	0.5
Total	92.5

Immediately the demand was passed by the Legislative Assembly, Local Governments were asked to submit schemes to an amount somewhat in excess of their allotment in order to allow for the possibility of some of their proposals not finding favour with the Government of India. The scope for initiative and experiment in rural reconstruction is of course vast. But the Government of India decided to give a lead to Local Governments by indicating certain categories which in their view covered the most pressing needs of village life and offered the most practical benefit. These categories are as follows :—

1. Sanitary measures, *e.g.*—

- (i) Anti-malarial schemes,
- (ii) Village water-supply including well-boring,
- (iii) Village sanitation including drainage.

2. Consolidation of holdings,

3. Village roads,

4. Discretionary grants to District Officers to enable them to promote or assist minor local works of improvement,

and Local Governments were told that the Government of India would accept without question schemes falling under these heads. It should be emphasised that these categories were not meant to be exhaustive but only to direct effort

into channels that appeared to be most fruitful. Some of the Provinces proposed to spend the bulk of their allotment on projects of these general descriptions but a considerable number of other schemes were put forward covering a wide range of activity, some of them representing entirely new departures which should in time make a radical transformation in the conditions of village life. The nature of these various schemes can most conveniently be described by a recital Province by Province of the projects actually approved by the Government of India. A further report as to the actual progress of the schemes will be laid before the Assembly in due course.

Madras.

				Rs.
(1) Rural water supply	.	..	..	5,50,000
(2) Village communications		..	..	4,50,000
(3) Village sanitation	..	..	..	3,00,000
(4) Anti-malarial measures	.	..	..	50,000
(5) District Officers' discretionary grants		..	..	50, 00
Total				14,00,000

(1) The works will be executed by the district boards and, where the schemes relate to protected water-supply, the approval of the Sanitary Engineering Department will be insisted upon. The grants will be confined to new works only and they will be spread over as many taluks as possible in each district.

(2) A sum of Rs. 3 lakhs will be allotted to District Boards for the improvement of village communications in areas other than those within the jurisdiction of non-union Panchayat Boards. It is proposed to distribute a sum of Rs. 1,50,000 through the agency of the Inspector of Local Boards and Municipal Councils for the improvement of village communications in non-union panchayat areas. In each case, the local Government will sanction the grants after satisfying themselves that the works proposed are really useful and that the grants are distributed evenly in all districts.

(3) A sum of Rs. 3 lakhs will be spent on village sanitation as shown below :

				Rs.
				Lakhs.
(i) Borehole latrines in rural areas	..	..	..	2.75
(ii) Poonamallee Health Unit scheme	..	..	..	0.25
Total				3.00

(i) *Borehole latrines.*—The Director of Public Health has drawn up a scheme providing (1) for the construction of two public latrines in each

village selected, the local body or villagers undertaking to maintain them, and (2) for the supply of concrete slabs at half cost and the full supply of borers necessary for installing private latrines in a few houses in each village, subject to the condition that the house-owner finds funds for the enclosure, labour for boring and construction, and also the other half of the cost of the slabs. Work will be confined to about 100 important villages in a typical taluk of each district and the needs of areas inhabited by depressed classes will also receive due consideration. The work will be executed by the Public Health Department.

(ii) *Poonamallee Health Unit Scheme*.—It is proposed to utilise a sum not exceeding Rs. 25,000 on a scheme of intensive health work in a selected area to demonstrate the benefits that will accrue thereby to the health and welfare of the rural population. The health unit will work under the Public Health Department.

(4) The following anti-malarial measures will be carried out in four typical areas :

- (a) provision of sub-soil and open drainage at a place in the Vizagapatam Agency ;
- (b) sub-soil drainage at a place in the Nilgiris (hilly tracts) ;
- (c) anti-malarial measures in the Rameswaram Island ; and
- (d) anti-malarial measures in certain coastal areas in the Nellore district.

The works will be executed by the Public Health Department.

(5) The discretionary grants will be spent on urgent village necessities in particular localities and will be non-recurring. The objects on which the grants may be spent are restricted to the following :

- (i) Construction or improvement of public baths ;
- (ii) Improvement or provision of minor village communications such as river landings, foot-bridges, culverts, foot paths, boats for crossing streams and canals.
- (iii) Wells or other drinking water sources for the poorer classes.
- (iv) Playgrounds for village schools.
- (v) Burial and burning grounds.
- (vi) Relief of poor people who have suffered from fire, flood, cyclone or other sudden calamities or who are obliged to vacate their houses owing to plague, etc.

The question whether Collectors should be authorised to spend this grant of Rs. 50,000 on objects other than those specified above is under the consideration of the Local Government.

Bombay.

(1) Village Improvement scheme :				Rs.	Rs.
Northern Division	..	..	..	1,08,000	
Central Division	..	..	..	2,02,000	
Southern Division	..	..	..	1,58,000	
Sind ..	..	..	..	1,38,000	
					6,06,000
(2) Improvement of buffaloes and disposal of milk	..	..	..	..	42,000
(3) Improvement of poultry ..	..	..	..	..	15,000
(4) Co-operative egg-collecting and marketing ..	..	..	..	..	2,000
(5) Improved preserving and tanning of hides ..	..	..	..	..	25,000
(6) Inland fisheries ..	..	..	..	..	10,000
Total ..					7,00,000

(1) The Village Improvement Scheme of the Bombay Government organised on the lines laid down by the late Governor, Sir Frederick Sykes, has now been in actual operation for nearly two years.

The essential factor of the scheme is the co-operation of all agencies—Government, local authorities, non-official associations and local effort, to improve all sides of the life of the cultivator, concentrating in the first instance on the more pressing needs of the particular village concerned. The scheme is based on the view that no effective progress is possible without the co-operation of the villagers themselves and that the first task is to arouse in them an interest in, and a desire for, improvement of their condition.

Under the scheme the primary agency is the District Executive Committee for village improvement of which the Collector is the *ex-officio* Chairman and the President of the District Local Board is the Vice-Chairman. The Committee normally includes Government officers representing the social service departments of Government, representatives of local bodies, such as Local Boards and the like, and persons concerned with social service, education, charitable organisations, etc.

Under the District Executive Committee, work is carried on in the talukas of the districts, either through the existing Taluka Development Associations or by the formation of Taluka Committees. In villages themselves Panchayats established under the Village Panchayats Act or local committees are made use of. Particular subjects, as for instance, education, co-operation, agricultural improvements, etc., can also be dealt with by the appointment of special sub-committees.

In each Division the Commissioner secures the general co-ordination of the village improvement work being carried on by the District Executive Committees in co-operation with the various Departments of Government. District Executive Committees have been formed in all districts of the Presidency proper, except the Bombay Suburban District, where the work of village improvement is entrusted to the District Local Board. Taluka and village committees have also been established in most talukas and villages. Up to the present secretaries have been appointed in eleven districts to carry on propaganda and organise activities in the districts, the necessary financial provision for them being made by Government.

The manner of development has not been the same in all districts. In some a start was made at the top with District Executive Committees, from which

the movement spread downwards to the talukas and villages, while in other districts there was concentration on villages from the start, certain villages being selected to test the experiment or to serve as models.

The Local Government recommended and the Government of India agreed that the greater part of the grant should, in the case of Bombay, be utilised for furthering this scheme which has already produced striking results. Out of the Rs. 6,06,000 to be devoted to the scheme, Rs. 2,00,000 will be distributed to District Officers for expenditure on the objects which the scheme seeks to promote, and of this Rs. 2 lakhs, Rs. 1 lakh will be reserved for villages where the scheme has not been introduced. The balance will be distributed through District Committees and other local bodies. Rs. 55,000 out of the provision for Sind will be utilized for agricultural and industrial improvement.

The following schemes will be confined to the Presidency proper and will be in charge of the officers of the departments concerned.

(2) The scheme for the improvement of buffaloes will be spread over 5 years. It is proposed to employ the agency of the village improvement committees or other similar bodies, or, where such bodies are not available, the agency of Government officials. One inspector and 4 non-graduates will be specially employed.

(3) The scheme for the improvement of poultry is in two parts. Cocks of improved breed will be introduced in a certain number of villages, and a limited number of premiums will be awarded to poultry farmers who undertake to abide by certain conditions, one of which is that their eggs will be sold locally for breeding purposes at controlled prices.

(4) It is proposed to institute a pioneer co-operative society in order to improve the marketing of eggs.

(5) For the improvement of preserving and tanning of hides two touring demonstration parties will be employed for a period of 3 years.

(6) It is proposed to stock 5 or 6 selected tanks with small fish from the Madras Presidency. Little or no recurring expenditure is anticipated when once the tanks have been stocked.

Bengal.

	Rs
(1) Establishment of seed, paddy and crop demonstration centres ..	1,09,000
(2) Improvement of cattle and of fodder crops	1,75,000
(3) Improvement of poultry	500
(4) Propaganda in the districts—loud speakers and gramophones ..	20,000
(5) Wireless transmission in Midnapore district	82,000
(6) Improved marketing—jute and paddy	50,000
(7) Coir spinning and weaving	40,700
(8) Union Board dispensaries and improvement of water supply ..	3,50,000
(9) Attachment of agricultural farms, etc., to secondary schools, and provision of play-grounds and village halls	1,80,000
(10) Boy Scouts, Girl Guides and Bratachari	20,000
(11) Minor drainage and flushing schemes	3,30,000
(12) Chittagong Hill Tracts	25,000
(13) Discretionary grants to Commissioners and District Officers ..	2,17,800
Total ..	16,00,000

(1) The spread of improved paddy seed is hindered by the heavy cost of distribution. Local centres have therefore been opened for the multiplication and distribution of better types of seed by 114 Union Boards in Bengal. More Boards are willing to provide land for opening such centres. It is therefore proposed to extend the scheme to 450 Union Boards in all. 8 acres will be provided at each centre, 5 for multiplication of seed and 3 for general demonstration. The Union Boards will pay for the cost of cultivation and recoup themselves from the money received for the produce.

(2) There are at present 2 temporary live-stock officers working in Bengal and 3 more will now be employed. These officers will work in 10 districts, in each of which a temporary Veterinary Assistant Surgeon will also be employed on the work. It is proposed to introduce 100 pure bred bulls in each of the districts and thus to promote the development of an indigenous breed of cattle and eliminate the necessity of importing bullocks from outside the Province, which costs Bengal at the present time Rs. 50 lakhs a year.

It is also proposed to introduce on a larger scale the cultivation of Napier grass as green fodder for cattle. This grass can be grown on areas at present not under cultivation; one acre of such grass will keep 8 animals fully supplied. It is proposed to introduce sufficient cuttings of Napier grass to grow 100 acres in each of the 10 districts at a total cost of Rs. 10,000.

The total cost of giving effect to the Local Government's schemes under this head is Rs. 1,90,000 of which the Local Government will themselves provide Rs. 15,000.

(3) The nucleus of the scheme for improving poultry in Bengal will be the Dacca Farm, which is under the charge of a specially trained officer. In each of the 10 districts mentioned above 20 selected mating birds will be supplied from this farm to villages which agree to get rid of their old male stock. Three centres have already been developed on these lines in Bengal as an experiment, and the experiments appear to have been successful.

(4) One of the most effective and established methods of rural uplift propaganda in the districts is through mass meetings. It is proposed to provide 30 loud speakers with dry cell batteries, 30 gramophones and 30 sets of musical records for use with the loud-speakers. It is proposed to use this grant to meet the initial cost and the recurring cost for one year.

(5) It is proposed to establish a rural broad-casting service in Midnapore district with a medium-wave transmitter installed in the Midnapore Court building. From this will be served 50 receiving sets installed in different parts of the district. The transmitter will be used for broadcasting the amusements programme from the Calcutta Broadcasting Station, and also to broadcast from Midnapore in the local dialect news, instructions and propaganda talks of the kind required by the people of the district and in the form likely to appeal to them. The station will be worked for the 6 months of the year during which the reception of the programme can be guaranteed to be satisfactory. The scheme will be worked for 2 years, at the end of which it is hoped to establish it on a business footing.

(6) The Government of Bengal have been considering a scheme estimated to cost Rs. 1½ lakhs for establishing jute-marketing and paddy-marketing

societies. There is a general desire for some scheme for the improved marketing of agricultural products in Bengal, but past experience has indicated the need for caution. The Local Government therefore intend to use Rs. 50,000 of this grant for opening one jute-marketing and one paddy-marketing society by way of further experiment. A special officer will be attached to the Agriculture and Industries Department of the Local Government to work out the scheme.

(7) A prolific supply of cocoanuts is available in the deltaic districts of Bengal the fibre of which is at present used only for fuel. But there is the prospect of its being put to a more remunerative use as string, rope, matting, tatties, etc. The articles of these kinds at present sold in the bazars of Bengal come mostly from Southern India. An experimental coir-making and spinning demonstration party was created in November, 1934, which showed that there is a reasonable prospect of developing a local industry. It is therefore proposed to organise 4 demonstration parties with suitable equipment, to tour the deltaic areas and demonstrate the method of turning cocoanut fibre to economic use. The sum which the Local Government propose to utilise for this purpose will enable this experiment to be conducted for 3 years.

(8) The Local Government propose that half this sum of Rs. 3½ lakhs, should go towards the establishment of Union Board dispensaries, and the other half towards the improvement of rural water-supply. But if local opinion in any district does not favour dispensaries, any amount which is made available thereby will be diverted from dispensaries to water-supply in that district. A cheap form of dispensary with brick walls and corrugated iron roof will be erected, provided with a tube well if required. No such dispensary will be opened unless there is a definite assurance that the recurring expenditure involved will be forthcoming from local sources.

In the distribution of the money available for improved water-supply those areas in which cholera is endemic will be given preference. Money will be allotted to specific projects by the District Officers in consultation with the Chairmen of District Boards.

(9) It is proposed to attach a farm, dairy or workshop to selected schools in the province so as to provide a vocational or rural bias and keep the schools in touch with the rural population. This will be the first step in the Government of Bengal's new policy of introducing a rural bias in education.

The Local Government also propose to establish village halls, with small libraries attached, in certain selected villages to form the centres of village life. It is also proposed to construct and equip village play grounds in connection with and in close proximity to the village halls. It is also proposed to acquire and prepare playgrounds for selected schools, particularly girls' schools, many of which have at present no playground or open space attached to them.

It is hoped to establish a village hall and playground in each sub-division. The Local Government have been asked to consider whether some economy could not be effected by utilising the school building itself for the purpose of a village hall and library.

(10) A sum of Rs. 20,000 is to be spent on approved schemes for the promotion of the Boy Scouts and similar movements.

(11) Money will only be spent on minor drainage and flushing schemes examined and approved by the Local Government's technical experts. In selecting projects the following principles will be observed as far as possible :

- (a) that the expenditure is calculated to effect a permanent improvement,
- (b) that the schemes are schemes which are really wanted by the people themselves,
- (c) that money will be available locally for maintenance if required.

(12) This sum will be expended on water-supply, drainage (sanitary and agricultural), and communications (including wooden bridges).

(13) The balance of the grant will be used to augment the discretionary grants of Commissioners of Divisions and District Officers, who will be instructed that these additional sums are to be spent only on supplementary projects within the intention of this grant.

United Provinces.

	Rs.
(1) Main Scheme	7,00,000
(2) Agricultural schemes	3,28,000
(3) Public Health and medical relief schemes	3,16,000
(4) Industrial schemes	70,000
(5) Publicity and propaganda schemes	36,000
(6) Kumaun district	50,000
	<hr/>
	15,00,000

(1) The "Main Scheme" referred to is the Local Government's scheme of rural development, the object of which is to promote the spirit of selfhelp in the villages. To this end the Local Government propose to employ for about two years a special staff consisting of :

- (i) at least six organisers in each one of the 45 districts (the three hill districts of Kumaun being excluded) ;
- (ii) one inspector in each district to guide and supervise the work of the organisers.

Each organiser will work more or less on the lines on which the "Village Guides" work in connection with the co-operative movement. It is expected that he will be able to look after about 12 villages ; but this number may later on be increased. The organisers as well as inspectors will, before appointment, undergo special training in sanitation and hygiene, agricultural practice and co-operative methods. This special staff will be under the control of the District Officer. There will be district rural development associations with consultative functions. For the execution of minor local works of public utility a sum of at least Rs. 5,000 (on the average) will be placed at the disposal of each of the 45 District Officers.

For the initial two years the cost of the staff and the district allotments, together with a small reserve for unforeseen opportunities, is estimated to amount to Rs. 9 lakhs. Out of this the Local Government propose to provide Rs. 2 lakhs, which will be utilised towards the cost of the staff. The balance, *viz.*, Rs. 7 lakhs, will be debited to the Central Government's grant.

(2) It is proposed to spend Rs. 1,20,000 in making grants-in-aid, up to one-third in each case, towards the cost of sinking tubes in existing wells. 3,000 such borings will be carried out over a period of two years in areas unserved by canals or tube wells. An extra sum of Rs. 18,000 is added to provide guarantees against cases of failure.

A sum of Rs. 79,000 will be spent in constructing embankments to prevent soil erosion and to retain moisture, particularly in the eastern districts. For the construction of these embankments a tractor will be purchased which at other times of the year will be utilised for the eradication of *kans* grass. It is also hoped to excavate 250 temporary reservoirs, towards which Government will contribute up to one-third of the cost, subject to a maximum of Rs. 300 in each case.

To develop the culture of fruit in the Province, grafts, plants and seed will be supplied to villages included in the "Main Scheme". A fruit chowdhuri will be employed in each district. The total cost of these measures will amount to Rs. 20,000.

Rs. 80,000 will be spent partly in buying up inferior seed in the villages and replacing it by good seed supplied by the Agricultural Department, and partly in improving the system of distribution of departmental seed. This will involve the subsidizing of privately managed seed stores and also, if necessary, of developing the system of seed multiplication.

Rs. 3,000 will be utilized in the establishment of poultry farms at Jaleswar and Etawah, and Rs. 8,000 on "goat improvement" by the maintenance and distribution of suitable bucks.

(3) The Local Government propose to establish nine health units, each of which will cover a compact and exclusively rural area of about 50 villages with a population of about 30,000 at an estimated cost of Rs. 11,000 a year. They propose also to introduce a scheme (estimated to cost Rs. 2,540 per unit per year) for medical relief in conjunction with these health units, and also a scheme estimated to cost Rs. 36,000 a year for the supply of village medicine chests in villages included in the Main Scheme.

The total estimated cost during the initial two years is Rs. 3,16,000.

(4) The Local Government consider that the development of marketing is one of the most promising lines for giving help to village industries. With this object a sum of Rs. 8,000 will be set apart for the existing Government Emporium of Arts and Crafts at Lucknow to cover the initial outlay on preparing catalogues, price lists, samples, etc., and as insurance against the risk of possible losses from the marketing of products of village industry. It is also proposed to subsidise local retail shops to induce them to sell articles of local manufacture, the annual subsidy being Rs. 50 each. It is proposed to establish co-operative arrangements for the marketing of *ghn* in the five

important *ghi* producing districts of Etawah, Agra, Muttra, Aligarh and Etah, and to subsidize private associations at Hathras and Agra for the testing and control of the purity of *ghi* on the lines of the institution which has already been established at Etawah. It is also proposed to expend a further Rs. 40,000 under this head, but the Local Government's final recommendations have not yet been received.

(5) In order to ensure abiding results from rural uplift work, the 3,240 villages to which the Main Scheme is to apply will receive *gratis* newspapers, monthlies and reprints, featuring rural uplift articles and news, at least once a week; the estimated cost of this is Rs. 30,000 for the initial two years.

A hundred sets of double-sided records pertaining to rural uplift will also be prepared at a cost of Rs. 6,000.

(6) The "Main Scheme" will not be applied to the hilly region comprised in the Kumaun Division. It is, however, proposed to spend Rs. 50,000 for its benefit, and suitable schemes are under preparation.

<i>Punjab.</i>					Rs.
(1) Consolidation of holdings	..	..	..	..	1,04,000
(2) Sanitary improvements in 31 villages in Gujrat district	..			..	9,000
(3) Bore-hole latrines in Shakargarh tashil of Gurgaon district				..	10,000
(4) Water-supply schemes	..	..	..	..	2,25,000
(5) Serum cellars	.	.	..	..	20,000
(6) Reconstruction of veterinary hospitals in Rohtak district				..	12,000
(7) Construction of 10 veterinary hospitals		..	..	..	60,000
(8) Broadcasting scheme	..	..	..	..	48,000
(9) Tanning scheme	..		..	..	76,000
(10) Fruit growing	..	..	..	..	62,000
(11) Well-boring	.	..	..	..	50,000
(12) Cinema films and loud-speakers		..	..	..	59,000
(13) Sheep development	..	..	..	..	15,000
(14) District Officers' discretionary grants	..		..	..	1,00,000
Total					8,50,000

(1) It is universally admitted that no measure can confer greater benefit on *zamindars* in the Punjab than consolidation of their holdings. The work is at present progressing in 11 districts at the rate of 60,000 acres a year through the agency of co-operative societies formed for the purpose, under the guidance and supervision of a staff of 8 inspectors and 104 sub-inspectors employed and paid by Government, assisted by a staff of 3 assistant inspectors and 22 sub-inspectors paid for from the contributions of applicants for consolidation. It is now proposed to employ a special consolidation officer and 8 inspectors and 88 sub-inspectors in order to expedite the progress of the work. Any sums which may be collected from *zamindars* who are benefited will be used to employ additional staff.

(2) These improvements will consist in the provision of sullage drains, pavements of dry brick on edge, hand-pumps, repairs and roofing of percolation wells, etc. The villages have been selected in consultation with the district officers. One-third of the cost will be debited to this grant, one-third to the district boards, and one-third to the *Islah-o-Taraqqi* committees of the villages.

(3) The Shakargarh tashil in Gurgaon district is infected with hook-worm disease. The construction of bore-hole latrines is intended to prove to the people their advantage in preventing re-infection from the soil. The money will be spent in purchasing augers and squatting seats. The further expenditure involved will be met by the district board.

(4) The water-supply schemes will provide a protected supply of drinking water in selected villages in Kangra, Shahpur, Mianwali, Dera Ghazi Khan and Jhelum districts, where it is particularly required.

(5) 100 serum cellars will be constructed at suitable centres so as to facilitate the prompt despatch of sera and vaccines on the occasion of outbreaks of cattle disease. The recurring expenditure involved will be met by the district boards.

(6) Great damage was done to the veterinary buildings in Rohtak district by floods in 1933, and the district board cannot afford to restore them. This will now be done at the expense of this grant.

(7) 10 new veterinary hospitals will be constructed on a standard plan in the areas covered by the Dhanni and Haryana cattle-breeding schemes, where the district boards are too poor to afford the cost. The boards will, however, be liable for the recurring expenditure.

(8) For the instruction and entertainment of the people of the districts nearest to the Delhi Broadcasting Station, namely, Rohtak, Karnal and Gurgaon, it is proposed to instal 40 receiver sets and maintain them for two years. Arrangements will be made in consultation with the Government of India to broadcast suitable programmes from Delhi to the villages, under the control of the Commissioner of Rural Reconstruction.

(9) The Punjab is one of the principal centres in India for the export of goat skins and has practically a monopoly of the export of lamb skins. Approximately 8 per cent. only of the skins exported are tanned in the Punjab. Punjab hides also are of good quality and there is a local supply of tanning material. It is proposed to create a central tanning institute for research and demonstration, with two travelling demonstration parties.

(10) Rs. 47,000 will be spent in producing and distributing reliable fruit nursery plants at cheap rates and on a large scale, and Rs. 15,000 on installing a fruit preservation plant on a semi-commercial scale for experimental and demonstration purposes. To achieve the former object existing nurseries will be extended and new nurseries opened : after two years the scheme should be self-supporting. The other part of the grant will be spent in opening a small canning plant at Lyallpur, which is regarded as of primary importance to the Punjab fruit industry. It is hoped that after the first year the recurring expenses of this factory will be covered by the receipts.

(11) Experience in the Province has shown that the boring of wells increases their yield by anything up to 300 per cent. In addition to the cost of the pipes and strainers left in the wells after boring, Government at present charge 12 annas a foot for all bores, whether successful or not. In order to assist and encourage the public in this direction, they now propose to remit the charge of 12 annas a foot for 2 years. The cost is estimated at Rs. 50,000.

(12) Cinema shows are extremely popular and useful in the Punjab and the public are prepared to pay for attending them. The local Government already possess two touring outfits; three more are required to provide one for each Division and another as a reserve. In addition, more and better films are required for instructional purposes: it is proposed to spend Rs. 36,000 on films of this kind, and Rs. 4,000 on films for entertainment. Two loud-speaker sets will also be provided.

(13) The sheep development scheme will be confined to the 6 districts of the Multan Division. The unit of the scheme will be the flock consisting of 1 ram and 50 ewes. Breeders at selected centres will be provided with one or more such units as the lessees of Government on the understanding that they will carry out the instructions of the Civil Veterinary department, keep no mature rams in their flock unless approved by the department, and only dispose of their surplus animals at prices fixed by the department.

(14) The District Officers' discretionary grants will be used for carrying out petty works of local improvement.

Burma.

	Rs.
(1) Rural development centres	3,35,000
(2) Deputy Commissioners' discretionary grants	50,000
(3) Anti-malarial measures	1,15,000
Total	5,00,000

(1) The object of the scheme for rural development centres is partly the formation of model village groups from which it is hoped that the idea of rural uplift will gradually spread to surrounding areas, and partly to furnish a means by which each department can experiment in intensive development. It is proposed that four rural development centres should be opened in different parts of Burma. Each centre will comprise a typical group of villages with an area of probably 30 square miles, but varying according to density of population. Within this unit expenditure will be incurred in four principal directions.

(i) *Public Health*.—There will be a dispensary and health centre. Steps will be taken to improve the record of vital statistics, investigation and control of diseases, sanitation, and propaganda and to introduce maternity and child welfare clinics.

(ii) *Education*.—School buildings will be increased and improved. Probably 6 primary schools and one central school with a High department will be required. Compulsory education will be introduced if possible, and special

attention will be paid to the possibilities of technical education. Playing fields will be provided and also a library.

(iii) *Agriculture*.—A farm school will be established if there is not one already in the vicinity, and short courses will be given in practical agriculture to sons of cultivators with special reference to the improvements effected by the Agricultural Department. There will also be a special Agricultural Assistant who will conduct an intensive campaign within the centre in order to demonstrate agricultural improvements, and attempts will also be made to improve the marketing of crops.

(iv) *Veterinary*.—Increased facilities will be provided for inoculation, etc.

General work, such as improvement of tanks, wells, roads, etc., will also be undertaken in each unit. It is intended to use the assistance of the Co-operative Department and various non-official agencies.

It is hoped that as the experiment proceeds, the need for supervision and the cost will decrease, and that eventually the control of the units will be taken over by the local bodies. Until then the estimate of expenditure assumes that the work will continue for 4 years.

Each centre will be under the control of an Executive Officer who will be advised by a local committee consisting of officials and non-officials.

(2) The sum set aside for Deputy Commissioners' discretionary grants will be utilised for the improvement of village wells and tanks, for roads and small bridges, for improving village schools and assisting village libraries, for providing recreation grounds or equipment, for assisting poor communities to start boy scouts or girl guides associations, and to encourage rural industries.

(3) The sum provided for anti-malarial measures will be expended on the extensive issue of cinchona febrifuge over a period of 5 years, and on the general free issue of quinine in schools in areas where malaria is endemic. Larvae eating fish will also be bred at certain centres near the malarial areas.

Bihar and Orissa.

	Rs.
(1) Village communications	6,00,000
(2) Rural water-supply	5,00,000
(3) Schemes for draining <i>chauris</i> and desilting tanks in North Bihar	1,00,000
(4) Village welfare	50,000
	12,50,000

(1) The improvement of village communications is one of the most urgent needs of the province, particularly in order that the cultivator may be able to dispose of his crops more easily and profitably. It is therefore proposed to spend Rs. 6 lakhs on the making or improving of cart tracks which will connect the villages with main roads and so with markets and railways. It is also hoped that this expenditure will further increase the utility of the marketing officers recently appointed by the Local Government. The intention is

that the work should be carried out under the direct control of the District and Sub-divisional Officers, who will invoke the assistance of the leading men in the area where any particular project is undertaken and get them to make themselves responsible for the actual supervision of the work. The villagers themselves will be encouraged to co-operate by making free gifts of the land required for these village roads and by providing labour free or on reduced wages. Preference will in all cases be given to schemes where practical co-operation of this sort is forthcoming.

(2) The need for improved rural water-supply is universally recognised. More wells and more village irrigation dams are required. This work will be carried out on the same lines as the projects for the improvement of village communications, and special attention will be paid to the needs of the depressed classes.

(3) The necessity for draining certain of the *chauris* in North Bihar has frequently been pressed on the Local Government for years past. The present is a suitable opportunity to undertake some of the more promising of these schemes through the agency of the Irrigation Department. Part of this provision will also be used for desilting tanks in North Bihar; the expenditure incurred in desilting tanks in other parts of the Province will be met from the allotment for rural water supply.

The choice of the actual schemes to be carried out under heads (1), (2) and (3) will rest with the District Officers after canvassing the views of the local public.

(4) A sum of Rs. 50,000 will be placed at the disposal of the Hon'ble Education Minister for experimental village-welfare schemes. These schemes will not involve any recurring commitments, but they will aim at setting up village organisations which will be capable of self-development in future if the experiments meet with success. The programme of work which these village organisations will set before themselves will include the introduction of improved methods of agriculture, the encouragement of cottage industries, the improvement of village sanitation, the provision of good drinking water, etc.

Central Provinces.

	Rs.
(1) Rural water supply	1,20,000
(2) District Officers' discretionary grants	1,00,000
(3) Welfare of aboriginal tribes in scheduled districts	40,000
(4) Dispensary buildings in villages	15,000
(5) Experiments in poultry farming	10,000
(6) Better bulls for District Councils	30,000
(7) Farm in Mandla district	30,000
(8) 5 additional debt conciliation boards	1,00,000
(9) Cinemas on lorries for demonstration work	20,000
(10) 2 tractors for use in Saugor district	15,000
(11) Storage accommodation for cultivators' produce	20,000
Total	5,00,000

(1) The Local Government report that there is a constant demand for assistance in the provision of proper water-supply in villages, especially in certain tracts of Berar, and that the amount which could be spent for this purpose is almost unlimited.

(2) The discretionary grants placed at District Officers' disposal are for small works of village utility, the carrying out of which will greatly add to the amenities of rural life. Instances of the kind of works contemplated by the Local Government are the construction of small culverts over bad *nala* crossings, repairs to village tanks and wells, construction of fair weather roads and building of village rest houses.

(3) The grant for the welfare of aboriginal tribes will be devoted to the development of certain areas inhabited by backward and aboriginal tribes with special reference to improved water-supply and educational and medical facilities.

(4) 27 cheap plan dispensaries have already been established and a number of schemes are still pending on account of financial stringency. The policy of the Local Government is to give a non-recurring grant equal to half the estimated cost of the dispensary building and to provide an Assistant Medical Officer and a small contribution towards maintenance. The balance of the cost of the buildings and of the recurring charges is met locally. The sum provided will enable more institutions of this kind to be opened.

(5) A scheme has been prepared by the Department of Agriculture for the distribution, free of cost, of pure bred cockerels from Government farms, and the grant proposed is to bring this scheme into effect. It is hoped that particularly in the neighbourhood of large towns an industry subsidiary to agriculture will spring up which will add considerably to the village income.

(6) It is proposed to supply a better class of bull free of cost to the District Councils for breeding purposes. The Councils will be required to keep the animals suitably fed and in good condition.

(7) Large quantities of seed are imported every year into Mandla district. The provision of Rs. 30,000 will cover the non-recurring and recurring expenditure for one year of a seed farm in that district. Thereafter the Local Government will assume responsibility. The scheme was approved by the Board of Agriculture in 1923, but the Local Government have never been able to give effect to it.

(8) A Debt Conciliation Act was passed in this Province in 1933, and the first two debt conciliation boards were established in July, 1933. The Act provides for the conciliation of accumulated debts by a debt conciliation board by means of mutual agreement between debtors and creditors. So far six boards have been at work, and four more are being added during the current year. But for the financial difficulty more boards would have been established. The six boards already at work have reduced a total debt of Rs. 63·57 lakhs to Rs. 36·38 lakhs. 27 to 55 percent of the original debts has been remitted. Easy instalments, worked out according to the paying capacity of the debtor and generally not exceeding the amount of the annual rent payable by him, have been fixed for the reduced debt. The entire debt is to be repaid in such instalments in periods of 10 to 12 years. The area of operations of a board

generally covers one or two tahsils, and it is expected to complete its work in about 2 years. The annual cost of each board is Rs. 10,000. The cost of one board thus comes to Rs. 20,000.

(9) A lorry and cinema outfit for demonstration purposes was purchased in 1928-29 and the demonstrations given by it have been much appreciated by the public. It is proposed with this grant to purchase three more lorries. These lorries will be accompanied by officers of the Agricultural Department and they will also be used by other departments which are concerned with village uplift.

(10) It is proposed to provide tractors for ploughing up land which has been thrown out of cultivation by the growth of *kans* grass. The land will be ploughed at cost price so that the cultivators may get the benefit of the gift of the tractors from the Government of India.

(11) It is proposed to construct godowns in market towns where cultivators can store their produce temporarily when they are faced with the necessity of disposing of it at disadvantageous rates. One or two experimental godowns will be constructed in the first place. No recurring expenditure is anticipated.

<i>Assam.</i>						Rs.
(1) Rural water-supply	..	.	..	..	..	3,00,000
(2) Village roads	..	..	..	..	..	1,00,000
(3) Discretionary grants to Divisional Commissioners	..			..	..	40,000
(4) Village sanitation	..	..	..	..	..	40,000
(5) Purchase of pumps for irrigating <i>boro</i> paddy lands				..	..	20,000
Total						5,00,000

(1) The improvement of the rural water-supply in Assam is a crying need which has been urged again and again in the local Legislative Council. This is a particularly suitable opportunity for effecting improvements in this direction for which it has hitherto been impossible to find funds. It is proposed to sink wells or (if this proves absolutely necessary owing to the failure of wells) to dig tanks as may be dictated by local conditions. The money will be allotted by the Local Government on conditions approved by the Public Health Department. The recommendations of the District Officers will be made after consultation with *ad hoc* committees constituted in each sub-division. This arrangement will be adopted in connection with village roads and village sanitation also.

(2) The sum allotted for village roads will be distributed by the Divisional Commissioners after consultation with District Officers and local boards. The allotment of money will be conditional on the local boards concerned undertaking to maintain the roads on completion at their own cost.

(3) The discretionary grants will be administered by the Divisional Commissioners for purposes of public utility and works of petty local improvement.

(4) The provision for village sanitation will be given out in the form of grants by Commissioners to village authorities or other suitable agencies.

(5) In certain low-lying areas of the Surma valley the *aman* or long stemmed paddy crop has proved very insecure in recent years owing to recurring floods, and it is expected that the condition of the people will be much improved if they are enabled to grow another (spring) variety of long stemmed paddy, called *boro*, which can be harvested before the flood season. The Agricultural Department has been working on this problem and experiments have shown that one portable pump can irrigate 800 bighas in a month. It is proposed to purchase 10 portable pumps for use in this valley. Experiments with a pump will also be made in suitable areas of the Assam valley. They will be worked under the charge of an Inspector. After the crop has been harvested, it is intended that $1\frac{1}{2}$ maunds of paddy per bigha should be recovered as hire for the use of the pump.

North-West Frontier Province.

	Rs.
(1) Drinking water supply	1,20,000
(2) Discretionary grants to Deputy Commissioners	90,000
(3) Village roads	10,000
(4) Anti-malarial measures including purchase of quinine	15,000
(5) School farms	10,000
(6) Marketing facilities for local industries	3,000
(7) Damming of torrents in D. I. Khan District	10,000
(8) Headworks on the Bara River in Peshawar District	5,000
(9) Industrial shop	7,000
(10) Other miscellaneous schemes	30,000
Total	3,00,000

(1) In certain parts of the province drinking water has to be fetched during the hot season from as far as twelve miles away, and the necessity for improvement in this respect is continually being pressed upon Government. The difficulty is particularly acute between Dera Ismail Khan and Tank, in the sandy Marwat tract in Bannu, in the Khattak country of Kohat District and at Mansehra in the Hazara District.

(2) Of the District Officers' discretionary grants a part will be earmarked for expenditure on schools, and the balance will be spent on providing materials for minor schemes, such as culverts and embankments, for which the villagers themselves are prepared to provide the labour. It has been decided to allot Rs. 15,000 to each district and Mardan sub-division.

(3) This amount will be spent in small sums, distributed as widely as possible throughout the districts on small improvements to existing roads and construction of short tracks to connect villages with main roads. It is intended that this money should be spent on materials only and that labour should be obtained from the villages concerned.

(4) This sum will be earmarked for the purchase of quinine and cinchona febrifuge for distribution among the rural population through hospitals and travelling dispensaries throughout the province.

(5) With the sum of Rs. 10,000 provided for school farms, it is proposed to buy plots of land adjoining schools for the purpose of giving the pupils practical training in agriculture and gardening. This system has given satisfactory results in the adjoining province of the Punjab.

(6) For the improvement of marketing it is proposed to construct small *mandis* at selected places and to encourage the exhibition of locally made articles.

(7) The irrigation scheme in Dera Ismail Khan District is intended to control the flow of flood water in certain hill streams which is at present unmanageable though of vital importance to cultivation.

(8) The scheme on the Bara River is for the purpose of assisting the villagers to make *pucca* distribution heads instead of the existing *kutchas* heads.

(9) To encourage and develop minor industries of the province (blanket making, embroidery, basket work, pottery, copper work, etc.) a retail shop has been opened in the Peshawar Cantonment. The buying organisation will comb the province for suitable wares, find the best markets in India, and possibly Europe, and establish direct relations with the producers. The shop is expected to be a self-supporting concern within a period of three to four years. The scheme will be subsidized from provincial revenues as may be necessary in future years.

(10) The Local Government are considering other schemes calculated to benefit the rural areas and no expenditure on these schemes will be incurred till the Government of India have accorded approval.

	<i>Coorg.</i>					Rs
(1) Water supply	32,500
(2) Cattle breeding	2,500
(3) Discretionary grants	15,000
Total	50,000

(1) Of the provision for water supply, Rs. 10,000 will be spent on constructing 28 draw-wells to provide drinking water for the villagers in selected villages; the balance of the cost of constructing the wells will be met by subscriptions of the residents.

Rs. 15,800 will be spent on repairing 64 tanks which have silted up and ceased to be useful. These tanks are required for the purpose not only of providing drinking water for men and cattle but for irrigation also. The local people have promised to supply free labour to complete the work.

Rs. 6,700 will be spent on excavating or repairing 12 irrigation channels. Each of these channels is designed to irrigate over 100 acres of wet cultivation. The villagers will supply free labour.

(2) The provision for cattle breeding will be spent in accordance with the recommendations of the Animal Husbandry Expert of the Imperial Council of Agricultural Research.

(3) The discretionary grant of Rs. 15,000 will be at the disposal of the Commissioner, and is intended for improving village communications, for anti-malarial work and improvements in village sanitation, as well as for assistance to certain occupations subsidiary to agriculture.

Delhi.

	Rs.
(1) Wells (a) repairs	24,000
(b) new	8,000
(2) Re-modelling village	3,000
(3) Roads and communications	10,000
(4) Deputy Commissioner's reserve	5,000
Total ..	50,000

(1) A survey of wells throughout the rural area administered by the Chief Commissioner of Delhi has been carried out by officers of the Public Health Department. In order to ensure the supply of drinking water, wells which have fallen into disrepair will be repaired and new wells will be constructed where they are urgently required.

(2) The Assistant Director of Public Health has prepared a scheme for re-modelling a small village by the main Delhi-Najafgarh Road. It is hoped to make this village a valuable object-lesson to the public.

(3) It is proposed to repair certain *kutcha* roads which are important arteries of communication in the rural area and which have fallen into such serious disrepair that they are at present of little use.

(4) Rs. 5,000 will be placed at the disposal of the Deputy Commissioner who during his cold weather tour will distribute this sum in supplying urgent necessities in the villages.

Ajmer-Merwara.

	Rs.
(1) Improvement of village roads and construction of small bridges and culverts.	23,000
(2) Propaganda for improvement of agriculture	23,000
(3) Improvement of live-stock	1,000
(4) Discretionary grant at the disposal of the Commissioner	3,000
Total ..	50,000

(1) Rs. 23,000 will be spent on improving 97 miles of the more important village cart tracks, so as to convert them into ordinary fairweather roads.

(2) For the purpose of agricultural propaganda 3 Agricultural Assistants with 3 demonstrators will be appointed, one for each of the 3 sub-divisions. The function of this staff will be to give practical demonstrations in the cultivators' fields of improved methods of cultivation, and to supervise the distribution of good seed from seed depots to be opened for the purpose.

(3) 20 bulls will be purchased and maintained at different places in the district under the control of the veterinary staff of the district board.

(4) Rs. 3,000 will be placed at the disposal of the Commissioner for petty works of local improvement.

Prof. N. G. Ranga : Is the Honourable Member aware of the fact that in the *Madras Mail* a report has appeared that the Chief Minister of Madras.....

The Honourable Sir James Grigg : I know what is coming ; there is a question down about that. I made inquiries from the Madras Government and received a most categorical denial of the truth of that report.

Mr. Lalchand Navalrai : May I know if the statement placed on the table shows for what purpose the money has been raised ?

The Honourable Sir James Grigg : Certainly, but the Honourable Member can get the statement in two minutes or at any rate in the next half hour, and he will be able to satisfy the whole of his curiosity, I hope.

Mr. S. Satyamurti : With reference to clause (d) of the question, may I know the reason why Government did not ask the Local Governments to seek the co-ordination of the Congress Village Industries Association ?

The Honourable Sir James Grigg : For several reasons : partly because they did not think it was necessary, and partly because they did not wish to interfere unduly with the discretion of the Local Governments

Mr. S. Satyamurti : Have Government watched the working of this Association, and have they any reasons to believe that such co-ordination will be undesirable or unnecessary ?

The Honourable Sir James Grigg : To be quite honest with the Honourable Member, the information in the possession of Government about the working of this Association is of an extremely sketchy character

Mr. S. Satyamurti : Have Government put any ban against the Local Governments inviting or utilising their co-operation ?

The Honourable Sir James Grigg : No, Sir ; the Government of India have been completely passive in the matter.

Mr. S. Satyamurti : With reference to the answers to clauses (a) and (b), have all these schemes been examined by the Finance Member in the light of the tests laid down by him, I think in his Budget speech, as to the manner in which this money should be spent, and is he satisfied that these schemes are all in conformity with those tests ?

The Honourable Sir James Grigg : Yes, Sir.

Prof. N. G. Ranga : Have Government considered the advisability of setting apart a part of this one crore of rupees for the working of new village post offices ?

The Honourable Sir James Grigg : No, Sir ; I think I undertook to consider that independently in connection with the general budget, but not in connection with this grant.

LOSSES CAUSED TO GOVERNMENT IN THE QUETTA EARTHQUAKE.

163. ***Seth Haji Abdoola Haroon :** (a) Will Government be pleased to lay on the table a statement showing separately the approximate figures of losses caused to Government, military and civil buildings in the recent Quetta earthquake disaster ?

(b) Will Government be pleased to state what approximate amount of expenditure they will have to incur if they re-build the Quetta military and civil buildings ?

Mr. G. R. F. Tottenham : (a) The approximate book value of the Government buildings destroyed or damaged by the earthquake is as follows :

	Rs.
Army	2½ crores.
Railways	25½ lakhs.
Posts and Telegraphs	3 lakhs.
Other civil departments (including municipal buildings)	70 lakhs.

(b) The present estimate of the cost of reconstruction, which must necessarily be extremely rough, is between seven and eight crores.

CASUALTIES IN THE QUETTA EARTHQUAKE.

164. ***Seth Haji Abdoola Haroon :** Will Government be pleased to state how many persons died and how many were injured in the Quetta earthquake, giving, separately, the approximate number of Military, Royal Air Force and civil and railway employees ?

Mr. G. R. F. Tottenham : I lay a statement on the table, giving, so far as possible, the figures of casualties among officials and their families.

Statement showing the number of persons killed and injured in the Quetta Earthquake amongst Military, Royal Air Force, and civil and railway employees.

	Killed.	Injured.
(i) Military (including families)	447	127
(ii) Royal Air Force (including families)	120	132
(iii) Civil Department (in some cases families have not been included)	948	362
(iv) Railway employees (including families)	975	813
Total	2,490	1,434

RE-BUILDING OF QUETTA.

165. ***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state whether it is their intention to re-build the city of Quetta ?

(b) If the reply to part (a) above be in the affirmative, do Government propose not to invest large amounts in re-building Quetta, and to transfer the Western Command of Quetta to Karachi or some such other place, in view of the speedy means of communication and transportation by Railway, road, and air, nowadays ready at hand for cases of emergency ?

Mr. G. R. F Tottenham : (a) and (b) The Honourable Member's attention is invited to Chapter VIII of the pamphlet "The Quetta Earthquake, 1935", copies of which were sent to all Members of the House on the 29th August, 1935.

The whole matter is still under consideration

LOSSES TO CIVIL POPULATION IN QUETTA.

166. ***Seth Haji Abdoola Haroon** : Will Government be pleased to state the approximate amount of losses to civil population and their movable and immovable properties in Quetta ?

Mr. J. G. Acheson : The Honourable Member is referred to Chapters I and II of the Pamphlet "The Quetta Earthquake, 1935", a copy of which has been sent to him. It is not possible at present to give even an approximate estimate of the amount of the losses to the civil population of Quetta. But some idea of the magnitude of the losses can be gained from the fact that approximately 15,000 shops and houses were destroyed or badly damaged.

CASUALTIES IN THE SUBURBS OF QUETTA.

167. ***Seth Haji Abdoola Haroon** : (a) Will Government be pleased to state the approximate number of casualties in the suburbs of Quetta in British Baluchistan ?

(b) What was the :

(i) number of casualties, both dead and injured ;

(ii) approximate amount of losses to Government and railway properties ; and

(iii) the approximate amount of losses to civil population ?

Mr. G. R. F Tottenham : (a) and (b) (i) The Honourable Member's attention is invited to pages 1, 8 and 16 of the pamphlet "The Quetta Earthquake, 1935", a copy of which was sent to him on the 29th August, 1935. He will, however, realise that it is impossible as yet to give accurate figures of deaths among the civil population.

(b) (ii) The attention of the Honourable Member is invited to the reply I gave to part (a) of his question No. 163.

(b) (iii) It is impossible even to hazard a guess.

LOSSES IN TRIBAL AREAS IN BALUCHISTAN DUE TO EARTHQUAKE.

168. ***Seth Haji Abdoola Haroon** : Will Government be pleased to lay on the table a statement showing detailed particulars of losses experienced in tribal areas in Baluchistan ?

Mr. J. G. Acheson : There were no losses in the tribal areas in Baluchistan.

CERTAIN FACILITIES PROVIDED IN QUETTA AFTER THE EARTHQUAKE.

169. ***Seth Haji Abdoola Haroon :** Will Government be pleased to state what provisions for medical aid, supplying of food, water and clothes and other available resources, were provided by Government in the following territories after the earthquake catastrophe :

- (i) Suburbs of Quetta ; and
- (ii) Quetta City ?

Mr. G. R. F. Tottenham : The Honourable Member's attention is invited to Chapters III, IV and V of the pamphlet " The Quetta Earthquake, 1935 ", a copy of which has been sent to all Members of this House.

APPLICATIONS INVITED FOR POSTS OF ARMY OFFICERS FROM ENGLAND.

170 ***Mr. M. Ananthasayanam Ayyangar :** (a) Is it a fact that applications have been invited for posts of Army Officers from England ?

(b) Why is it that no similar applications are called for from Indians ?

(c) How many posts are vacant, and how many applications have been received ?

(d) Are the posts to be filled up permanently or temporarily ?

Mr. G. R. F. Tottenham : (a) Owing to over-recruitment during the war, and under-recruitment in the years immediately succeeding it, it recently became necessary, in order to make the establishment in each rank correct, to eliminate from the Indian Army a large number of senior officers and take on a smaller number of less senior officers. It is for this latter reason that it was recently decided to revive the practice, which had been held in abeyance for a few years, of allowing transfers from the British service and invite applications from officers of the required seniority.

(b) Because all the Indian officers of the required seniority are already serving in the Indian Army, and there is no other outside source from which they could be procured.

(c) The War Office have agreed to permit up to 100 officers to volunteer for transfer to the Indian Army. Applications may reach the War Office or Army Headquarters, India, up to the 22nd September, 1935.

(d) Permanently.

Mr. M. Ananthasayanam Ayyangar : Before this, are there any Indian officers who were taken temporarily to these posts and sent away ?

Mr. G. R. F. Tottenham : No, Sir : there are no Indian officers taken temporarily. All the Indian officers that there are, are already employed permanently in the Indian army.

Mr. M. Ananthasayanam Ayyangar : Have all these posts, for which applications have been invited in England, been held by British officers till now ?

Mr. G. R. F. Tottenham : As I explained, we are just getting rid of about 400 officers practically all of whom are British officers, and we are taking in 100 British officers from the British service to fill up the gaps in the lower ranks.

SELECTION OF *Dufferin* CADETS FROM THE ROYAL INDIAN MARINE.

171. *Mr. M. Ananthasayanam Ayyangar : (a) How many of the students who have received training in the Ship *Dufferin* have been selected for the Royal Indian Marine Force, year after year, during the past seven years, and how many from outside have been appointed in that Force ?

(b) What is the principle of selection, and why have not more men been selected from among the *Dufferin* cadets ?

Mr. G. R. F. Tottenham : (a) Since 1928, 19 Indians have been selected for employment in the commissioned ranks of the Royal Indian Navy. Of these, six came from the Indian Mercantile Marine Training Ship *Dufferin*. I lay on the table a statement showing the recruitment year by year.

(b) The principle of selection is to obtain the best material available, but in putting this principle into effect Government have been influenced by a knowledge that public opinion in this country attaches considerable importance to the retention of the open competitive examination.

Statement showing the recruitment since 1928 of Indian commissioned officers in the Royal Indian Navy.

Year.	No. of candidates recruited.			Total.	Remarks.
	On the results of the open and " Dufferin " examinations.		As direct entries		
	Open.	Dufferin.			
1928	1	1	* Since permitted to resign his commission.
1929	2	..	..	2
1930 .. .	1	..	..	1
1931 .. .	.	4	1*	5
1932	4	..	.	4	
1933 .. .	..	1	1	2
1934 . . .	3	1	..	4	

Mr. M. Ananthasayanam Ayyangar : Besides the six officers who were trained on the *Dufferin*, what are the qualifications of the other thirteen ?

Mr. G. R. F. Tottenham : I could not possibly give a list of the qualifications of all the men who have joined since 1928.

Mr. M. Ananthasayanam Ayyangar : Is there any other ship besides the *Dufferin* in which naval training is given to Indians ?

Mr. G. R. F. Tottenham : No, Sir ; nor is naval training given in the *Dufferin* which is a Mercantile Marine training ship.

Mr. M. Ananthasayanam Ayyangar : Besides these six who were trained on the *Dufferin*, can the Honourable Member say whether the other thirteen had any training at all, either mercantile marine or naval ?

Mr. G. R. F. Tottenham : No, Sir ; neither did the six who were taken from the *Dufferin* possess any naval training, *i.e.*, training for work in the Navy. This training they received after passing the examination and being sent to England to be trained in the naval dock-yards there.

Mr. M. Ananthasayanam Ayyangar : Why were not all of them taken from among those who had the same training on the sea ?

Mr. G. R. F. Tottenham : I have explained that the idea is to throw open to open competition throughout India the officer ranks of the Indian navy, and it is quite impossible to afford sea training of any kind to all the boys in India.

RECOMMENDATIONS OF THE HILTON-YOUNG CURRENCY COMMISSION.

172. **Mr. M. Ananthasayanam Ayyangar :** (a) What are the recommendations of the Hilton-Young Currency Commission, which have been given effect to ?

(b) What other recommendations do Government propose adopting during the current year ?

The Honourable Sir James Grigg : (a) and (b). The recommendations of the Hilton-Young Currency Commission can be divided into three parts :

(i) a recommendation for the establishment of a gold bullion standard ;

(ii) the establishment of a Central Reserve Bank ; and

(iii) the fixation of the ratio of the rupee to gold at 1s. 6d.

(i) and (iii) were put into effect in 1927 but have since been suspended while (ii) was put into effect as from 1st January last.

Mr. M. Ananthasayanam Ayyangar : When they were put into effect in 1927, what was the amount of gold in the reserve ?

The Honourable Sir James Grigg : I cannot say off-hand : if the Honourable Member likes to put down a question, I can find it out for him.

Mr. M. Ananthasayanam Ayyangar : Was any quantity of gold kept in the reserve at all ?

The Honourable Sir James Grigg : I think the amount of gold in the gold reserve appears in the weekly statement of the Reserve Bank. I cannot remember off-hand the last figure, but I may say that the gold figures in that statement at the old parity, so that it under-estimates or under-represents the amount of the gold reserve at current market values.

Prof. N. G. Ranga : Do Government propose to increase their gold holdings ?

The Honourable Sir James Grigg : That is a matter for the Reserve Bank now : Government itself is no longer concerned with the custody of the gold reserves of India.

Mr. M. Ananthasayanam Ayyangar : Why was it suspended in 1927 ?

The Honourable Sir James Grigg : It was not suspended in 1927, but in 1931 when the United Kingdom left the gold standard.

Prof. N. G. Ranga : In view of the increase in counterfeit rupee coins.....

The Honourable Sir James Grigg : Really, Sir, I do not think that arises.

Mr. M. Ananthasayanam Ayyangar : Was it in pursuance of that policy that ten crores worth of silver were sold away by the Government of India in the year 1930-31 ?

The Honourable Sir James Grigg : I think if the Honourable Member wants to discuss silver, he had better put down a question separately : it does not arise directly out of this.

COMPILATION OF STATISTICS FOR AGRICULTURAL AND INDUSTRIAL WAGES.

173. ***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that both in the Economic Enquiry Committee Report and the Hilton-Young Commission Report, there is a suggestion that index numbers should be prepared for wages, agricultural and industrial ?

(b) Have Government been compiling such statistics ? If so, for how long ? If not, why not ?

The Honourable Sir Muhammad Zafarullah Khan : (a) Yes.

(b) No. The compilation of such statistics is properly a function of Local Governments.

Mr. M. Ananthasayanam Ayyangar : Have the Local Governments prepared such statistics regarding wages, agricultural and industrial ?

The Honourable Sir Muhammad Zafarullah Khan : I cannot answer that question : I do not know.

Mr. M. Ananthasayanam Ayyangar : Will Government supply us information regarding this ?

The Honourable Sir Muhammad Zafarullah Khan : If the Honourable Member desires that an inquiry should be made from Local Governments and this information obtained, and if he puts down a question on the paper, I shall see if it can be obtained.

Prof N. G. Ranga : Is it not one of the recommendations of the Economic Inquiry Committee that there should be a Central Economic Enquiry Board established by the Central Government here ?

The Honourable Sir Muhammad Zafrullah Khan : I would require notice of that : it does not arise out of this question.

REVISION OF THE EXCHANGE RATIO.

174. ***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that in paragraph 190 of the Hilton-Young Commission Report, they state it as an argument for the fixing of the ratio at 1s. 6d. that India's foreign trade had not been adversely affected, after 12 months of the 1s. 6d. ratio till then ?

(b) Are Government aware that India's balance of trade since the Hilton-Young Commission Report, dwindled from nearly 75 crores to nothing ?

(c) Do Government propose to take immediate steps to revise the exchange ratio ?

The Honourable Sir James Grigg : (a) and (b) India's favourable balance of trade in 1925-26, when the Hilton-Young Commission Report was issued, was Rs. 109,25 lakhs. In the year 1934-35, it was Rs. 78,10 lakhs. Obviously the shrinkage in trade is due to world conditions and not to the ratio. In any case the ratio in 1925-26 was 1s. 6d. gold whereas it is now 1s 6d. sterling which, expressed in terms of gold, is approximately the equivalent of 11d. only.

(c) Quite definitely, No.

Mr. M. Ananthasayanam Ayyangar : Does the balance of trade of 75 crores in 1934-35 include export of gold in specie ?

The Honourable Sir James Grigg : Yes.

Mr. M. Ananthasayanam Ayyangar : To what extent ?

The Honourable Sir James Grigg : I believe about two-thirds.

Mr. M. Ananthasayanam Ayyangar : The balance of trade has, therefore, gone down to 15 crores ?

The Honourable Sir James Grigg : 15 is wrong : in one year it was 30 and in another year about 23.

Mr. M. Ananthasayanam Ayyangar : Is it not a fact that in 1924 the balance of trade was 115 crores ?

The Honourable Sir James Grigg : I am quite prepared to take that from the Honourable Member.

Prof. N. G. Ranga : What steps do the Government of India propose to take in order to improve our position in regard to the balance of trade ?

The Honourable Sir James Grigg : That is too long a question to be dealt with in answer to a supplementary question.

Prof. N. G. Ranga : Do Government propose to take any action ?

The Honourable Sir James Grigg : Yes.

**MONOPOLY OF SUPPLYING PETROLEUM PRODUCTS IN THE MADRAS PRESIDENCY
HELD BY THE BURMA OIL COMPANY.**

175 ***Mr. C. N. Muthuranga Mudaliar** : (a) Will Government please state whether it is a fact that the Burma Oil Company has the monopoly of supplying petroleum products in the Madras Presidency ?

(b) Was it at least so for some time after the Great War ?

(c) Is it a fact that liquid fuel is largely needed by the agriculturists for their pumping plants, wherever there are no irrigation facilities ?

(d) Was liquid fuel being sold in the Madras Presidency at Rs 30 to Rs 40 per ton before the War ?

(e) Is it a fact that the price rose to Rs. 60 per ton during the War and to Rs. 90 per ton after the War ?

(f) Is it a fact that Government are allowing a protective duty of two annas and nine pies to the Burma Oil Company products, while Indian companies who import foreign oils are assessed to a duty of three annas nine pies ?

(g) Do Government propose to fix a fair selling minimum price for all petroleum products and thus protect the agriculturists from abnormally high prices for their needs ?

(h) Is it not a fact that the Burma Oil Company import also Persian, American and Russian petroleum products besides the Burma Oils ?

The Honourable Sir James Grigg : I feel, Sir, in view of the strictures passed upon me for butting into other people's affairs yesterday, I ought to apologise in advance for answering this question which concerns both the Finance and the Commerce Departments jointly.

(a) No.

(b) No.

(c) Yes : if the pumping plants are worked by oil engines.

(d) and (e). Government have no precise information as to the sale prices of fuel oil at the periods referred to

(f) No. The duties in question are revenue duties.

(g) Government are not aware that the agriculturists are paying abnormally high prices.

(h) The Burma Oil Company import petroleum products from Persia and America.

Mr. C. N. Muthuranga Mudaliar : May I know why differential rates should prevail, if this is only a revenue duty and not a protective duty ?

The Honourable Sir James Grigg : That question has a long history, and it is not possible to deal with it in reply to a supplementary question : if the Honourable Member will put down a question, I will give a considered answer.

Prof. N. G. Ranga : Will Government try to abolish these differential duties ?

The Honourable Sir James Grigg : I think the Honourable Member had better look at the terms of the Indo-Burma trade agreement.

Mr. Lalchand Navalrai : With reference to clause (f), may I know whether the Indian companies and the Burma Oil Company are paying the same import duty ?

The Honourable Sir James Grigg : That is the question I have answered : the question is whether Government are allowing a protective duty to the Burma Oil Company.

Prof. N. G. Ranga : Am I to understand that there are differential duties ?

The Honourable Sir James Grigg : They are certainly differential duties.

Prof. N. G. Ranga : May I know how much they are ?

The Honourable Sir James Grigg : They are given in the question itself in part (f).

Mr. S. Satyamurti : What is the reason for this difference, even if they are revenue duties ?

The Honourable Sir James Grigg : I have just answered that : I am not prepared to answer that in answer to a supplementary question : if a question is put down, I will give a considered reply.

Mr. C. N. Muthuranga Mudaliar : With reference to part (g), does the Honourable Member consider the price not high when it is between 86 to 90 rupees a ton nowadays, as compared with Rs. 30 a ton in pre-war days ?

The Honourable Sir James Grigg : I have some hesitation about dealing with that part of the question which concerns the Commerce Department : I think the Honourable Member had better put down a question separately.

APPOINTMENT OF INDIANS AS TEACHERS IN ENGLAND.

176. ***Mr. C. N. Muthuranga Mudaliar :** (a) Has the attention of Government been drawn to questions and answers in the House of Commons on the 26th March, 1935, regarding the difficulties experienced by English-born Indians seeking appointments as teachers in Great Britain, despite their educational qualifications ?

(b) Will Government state if they have information of any kind regarding the numbers of such Indians employed as teachers in Great Britain ? If not, do they propose to obtain such information as can be available from the India Office or any other such authority in England ?

(c) Are Government prepared to take necessary steps to represent to the Secretary of State for India that not only English-born Indians but Indian-born Indians, who have got the requisite qualifications, obtain a fair chance in applying for teachers' appointments in Great Britain should they desire to do so ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) The Board of Education, London, who were consulted in the matter, regret that the information asked for by the Honourable Member is not available.

QUESTIONS AND ANSWERS.

(c) The appointment of teachers in Great Britain is a matter which is in the hands of local educational authorities or other bodies responsible for the management of the schools. The Board of Education state that they are not aware that any considerations other than the general suitability of the applicants are taken into consideration in making an appointment.

INADEQUACY OF INDIANS EMPLOYED IN THE OFFICES OF THE LEAGUE OF NATIONS.

177. ***Mr. C. N. Muthuranga Mudaliar** : (a) Are Government aware of the feeling of dissatisfaction prevailing in India as regards the inadequacy of the number of Indians employed in the offices of the League of Nations, and if so, are Government prepared to take suitable action to acquaint the authorities of the League at Geneva of these feelings ?

(b) Are Government prepared to take early action to make representations to the authorities of the League of Nations to so increase the number of Indians employed in its various offices that it may be in proportion to the contribution made by India ?

The Honourable Sir Nripendra Sircar : (a) The League authorities are fully aware of Indian feeling in this matter and an informal representation on the subject has been very recently addressed to the Secretary General. In these circumstances, and in view of the fact that the League authorities are not, as the Honourable Member appears to suppose, unsympathetic towards Indian feeling, no purpose would be served by a further communication.

(b) I would refer the Honourable Member to the latter part of my reply to part (d) of question No. 121 asked by my Honourable friend, Mr. S. Satyamurti, on the 4th September, 1935.

APPOINTMENT OF AN INDIAN IN PLACE OF THE LATE MR. A. C. CHATTERJEE, A MEMBER OF THE INFORMATION SECTION OF THE LEAGUE OF NATIONS SECRETARIAT.

178. ***Mr. C. N. Muthuranga Mudaliar** : (a) Are Government prepared to move the authorities of the League of Nations to appoint an Indian in the place of Mr. A. C. Chatterjee, a member of the Information Section of the League Secretariat who died recently ?

(b) Are there already Indians in the Information Section of the League Secretariat who are qualified to fill the place rendered vacant by the death of Mr. A. C. Chatterjee ?

The Honourable Sir Nripendra Sircar : (a) Government have already taken steps in this direction and they have been informally assured that an Indian will be appointed.

(b) From the latest Staff List of the League Secretariat it appears that one other Indian, Mr. S. N. Ghose, is employed in the Information Section. Government have no information regarding his qualifications to fill the appointment held by the late Mr. A. C. Chatterjee.

Prof. N. G. Ranga : What is the usual practice followed by the League Secretariat in making these appointments ? Do they consult the Government of India ?

The Honourable Sir Nripendra Sircar : No, Sir ; but this question I have answered during the last three Sessions about eight times, and I have placed before the House information relating to the number of appointments made, names of the officers appointed, their salaries, and so on, and I have nothing further to add ; but, in making these appointments, the League Secretariat do not consult the Government of India.

Mr S. Satyamurti : Has this vacancy been filled ?

The Honourable Sir Nripendra Sircar : To the best of my information, not yet.

ESTABLISHMENT OF RURAL LIBRARIES.

179. ***Mr C. N. Muthuranga Mudaliar :** (a) Are Government aware that recently rural libraries have been started in many villages ?

(b) Are Government aware that the various Provincial Governments insist that such rural libraries associations should be registered under the Societies Registration Act XXI of 1860, before grants-in-aid could be sanctioned for such libraries ?

(c) Is it a fact that the said Act requires that a fee of Rs 50 should be paid as registration fee for registering literary, scientific and charitable societies ?

(d) Are Government aware that almost all the rural libraries have got very slender resources and cannot pay a high registration fee of Rs. 50 ?

(e) If the answer to part (d) above be in the affirmative, are Government prepared to consider the advisability of fixing a nominal fee of Rs. 5 for registration of such rural libraries under section 3 of the Act ?

Sir Girja Shankar Bajpai : (a) and (c) Yes.

(b) and (d) The information asked for by the Honourable Member is not readily available.

(e) It is within the power of Provincial Governments to amend the Act with the previous sanction of the Governor General, if they desire to do so, in order to reduce the registration fee, and the matter will be brought to their notice for such action as they may consider desirable.

Prof. N. G. Ranga : Is it not a fact that it is in the power of the Governor General in Council to amend the rules made under this particular Act in order to bring down the figure of Rs. 50 ?

Sir Girja Shankar Bajpai : I have had that particular point examined, and the information given to me is that this is a matter which can best be dealt with by each Local Government.

Mr. C. N. Muthuranga Mudaliar : But Societies Registration Act is an All-India Act ?

Sir Girja Shankar Bajpai : It may be an All-India Act, but according to my information, the libraries are provincial libraries.

SALT TRADE OF MADRAS.

180. ***Mr. C. N. Muthuranga Mudaliar :** (a) Is it a fact that the exports of salt from Madras to Calcutta have been steadily decreasing during recent years ?

(b) Are Government aware that large quantities of foreign salt are being dumped in Calcutta ?

(c) Are Government prepared to take steps to improve the expansion of salt trade from Madras to other places in India by putting adequate duties on foreign salt ?

The Honourable Sir James Grigg : (a) There was a steady decline in the three years ending with March, 1934, but there was a noticeable revival in the year ending with March, 1935.

(b) No.

(c) The attention of the Honourable Member is drawn to the provisions of the Salt (Additional Import Duty) Act, 1931, which has been extended up to the 30th April, 1936.

FACTORIES WORKING UNDER THE MONOPOLY SYSTEM OF MANUFACTURING SALT IN THE MADRAS PRESIDENCY.

181. ***Mr. C. N. Muthuranga Mudaliar :** (a) Is it a fact that the only factories working under the monopoly system of manufacturing salt in the Madras Presidency are (i) Polavaram, (ii) the Ennore Group and (iii) the Karambalam block ?

(b) Is it a fact that all other factories in the Presidency work under the excise system ?

(c) Are Government prepared to consider the advisability of introducing the excise system uniformly for the factories referred to in part (a) above ?

Mr. A. H. Lloyd : (a) Yes.

(b) All the other factories in the Presidency are worked under either the Excise or the Modified Excise system.

(c) The Central Board of Revenue have issued orders for the closure of the Monopoly factories in the Ennore group with effect from 1st January, 1936, and the existing licensees of these factories have been given the option of taking Modified Excise licenses. The Government will examine the question of the conversion of the remaining Monopoly factories into Excise or Modified Excise factories.

CONCESSION OF COLLECTING OR MAKING SALT IN CERTAIN *Talugs* OF THE MADRAS PRESIDENCY.

182. ***Mr. C. N. Muthuranga Mudaliar :** (a) What are the specific abuses referred to in paragraph 4 of the Administration Report of the Salt Department, Madras Presidency for 1933-34, which led to the withdrawal of the concession of collecting or making salt in Chingleput *talug* ?

(b) Were the local residents in the *talug* apprised of the abuses before the concession was withdrawn, and was any enquiry held ? If so, will Government please place the results of the enquiry on the table of the House ?

(c) If the residents were not previously warned, are Government prepared to re-introduce the concessions in that *talug* once more on getting an undertaking from them against future abuses ?

(d) Are Government also prepared to allow this concession to the residents of the coastal villages in Ponneri and Saidapat taluqs ?

The Honourable Sir James Grigg : (a) Salt much in excess of local requirements was removed from swamps in the Chingleput taluq of the Chingleput District. Many cases of removal to distant places by carts and boats were detected.

(b) The villagers in the taluq were given warning to the effect that if the abuse did not cease the concession would be withdrawn. The warning was published in the villages on the 7th, 8th and 9th of September, 1933, but the abuses continued. No formal enquiry was held, but the decision was reached on the basis of continual reports from the salt staff and the results of proceedings in the criminal courts.

(c) Does not arise.

(d) The concession has not yet been withdrawn from the taluqs named in this part of the question.

Mr. C. N. Muthuranga Mudaliar : Will it not be possible to grant the concession after getting an undertaking from the people ?

The Honourable Sir James Grigg : I answered a lot of questions in the last Session about the machinery for applying for restoration of these concessions. That machinery still holds good.

POSITION OF INDIANS IN FIJI.

183. ***Mr. C. N. Muthuranga Mudaliar :** (a) Has the attention of Government been drawn to an article by 'Seafarer' in the *Hindustan Times* of the 17th March, 1935, regarding the position of Indians in Fiji ?

(b) Is it a fact that restrictions are placed in the way of Indian settlers getting leases of land from the Fijian landlords for agricultural purposes ?

(c) Are Government prepared to consider the advisability of sending out a Commission to enquire into the question of the land settlement in Fiji ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c) Under the Fiji Native Lands Ordinance of 1905, the consent of the Governor in Council is necessary to the lease of land by Fijian landlords to all non-Fijians, Indian or European. The Regulations relating to the conditions on which such consent is granted contained certain provisions which discriminated against Indians in the matter of area of land and terms of lease, but these were deleted by the Ordinance of 1933. The Government of India have made certain inquiries as to the actual working of the Ordinance and the relevant regulations. The question what further action on their part is necessary will be decided when the result of these inquiries becomes available.

Mr. M. Ananthasayanam Ayyangar : For how long have these inquiries been going on ?

Sir Girja Shankar Bajpai : The inquiry, Sir, if I remember aright, was addressed to the India Office about six weeks ago.

RE-OPENING OF SALT WORKS IN CERTAIN PLACES IN THE MADRAS PRESIDENCY.

184. ***Mr. C. N. Muthuranga Mudaliar** : (a) Is it a fact that Government have not been allowing the people in Kattur village, Ponneri taluq and Kandadu village in Tindivanam taluq, Madras Presidency, to work on salt pans in those places ?

(b) Are Government aware that the people have been put to heavy loss on account of stoppage of works ?

(c) Do Government propose to allow the people to re-open the salt works in those places ?

Mr. A. H. Lloyd : (a) The Kattur Salt Factory is at present open and is being worked under the Monopoly System. Formal orders for the closure of this factory as a monopoly factory, with effect from 1st January, 1936, have issued but the existing licensees have been given the option to take modified excise licenses. The Kandadu Salt Factory was closed in 1897 as there was no necessity for it.

(b) The people have suffered no recent loss by the closure of the Kandadu Salt Factory which occurred many years ago. Government are now paying compensation in accordance with the provisions of the Madras Salt Act as this was not done at the time of the closure. Compensation admissible under the Act will also be paid to the licensees of the Kattur Salt Factory.

(c) At present there is no necessity to re-open the Kandadu Salt Factory as adjoining factories are overstocked and prices are very low.

Mr. Sami Vencatachelam Chetty : It is a fact that the compensation now offered is on the basis of the reduced dittam ?

Mr. A. H. Lloyd : The dittam in recent years has been taken into consideration in fixing the compensation.

Mr. Sami Vencatachelam Chetty : Reduced dittam ?

Mr. A. H. Lloyd : I think the reduction of dittam has been taken into account, but, speaking from memory, the compensation has not been based on the lowest dittam. However, if the Honourable Member will put down a question, I shall try and give him the information.

Mr. C. N. Muthuranga Mudaliar : Are the Government of India aware that the compensation offered is very inadequate ?

Mr. A. H. Lloyd : I am quite prepared to take it from the Honourable Member that there have been complaints of this.

Prof. N. G. Ranga : For how many years is this compensation to be paid ? Is it paid annually ?

Mr. A. H. Lloyd : It is a lump sum.

OFFICERS IN ARCHAEOLOGICAL SURVEY.

185. ***Mr. C. N. Muthuranga Mudaliar** : (a) Will Government please state who are the officers in Archaeological Survey with qualifications in :

(i) Architecture ; and

(ii) Archaeology ?

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(b) Do Government propose to consider the advisability of restricting the work of officers qualified in Architecture to purposes of conservation and excavation ?

Sir Girja Shankar Bajpai : (a) A statement is laid on the table.

(b) Financial considerations impose limits on the size of the cadre which renders the Honourable Member's suggestion impracticable.

Names of officers in the Archaeological Department with qualifications in (i) Architecture, and (ii) Archaeology.

(i) *Architecture.*

1. Mr. J. F. Blakiston.
2. Mr. G. C. Chandra
3. Mr. H. H. Khan..

(ii) *Archaeology.*

1. Khan Bahadur Maulvi Zafar Hasan.
 - 2 Mr. K. N. Dikshit.
 3. Mr. Mya.
 - 4 Mr. M. S. Vats.
 5. Mr. M. H. Kuraishi.
 6. Mr. N. G. Majumdar.
 - 7 Dr. M. Nazim.
 8. Mr. H. L. Srivastava.
 9. Mr. Q. M. Moncer
-

COUNTRIES WITH BANNED OR RESTRICTED IMPORTS FROM INDIA.

186. ***Mr. C N. Muthuranga Mudaliar :** (a) Will Government please state the names of countries which have either banned or restricted the import of Indian goods into their countries ?

(b) What is the amount of loss of trade caused to India by each of such countries ?

(c) What steps have Government taken in regard to this matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (c). The Honourable Member is referred to the reply given by me to parts (a), (c) and (d) of Mr. T. S. Avinashilingam Chettiar's starred question No. 6 on the 2nd September, 1935.

(b) No estimate of the loss to India on account of these restrictions can be made

Mr. Lalchand Navalrai : May I know if the Government of India have raised any objection to that ?

The Honourable Sir Muhammad Zafrullah Khan : I have already replied on the supplementaries to the question to which I have referred.

Mr. M. Ananthasayanam Ayyangar : What is the answer to clause (c), Sir ?

The Honourable Sir Muhammad Zafrullah Khan : I said that the Honourable Member is referred to previous replies given by me to Mr. Chettiar's question No. 6 on the 2nd September, 1935

Prof. N. G. Ranga : Will any attempt be made at all to estimate this loss of trade caused to India ?

The Honourable Sir Muhammad Zafrullah Khan : It is not possible to make any estimate of the loss of trade caused to India on account of these restrictions owing to the complexity of the factors that enter into the situation

Prof. N. G. Ranga : In view of the recent establishment of an Industrial Research Bureau, will Government be pleased to refer this question to them for making the necessary estimate ?

The Honourable Sir Muhammad Zafrullah Khan : Which particular Research Bureau is the Honourable Member referring to ?

Prof. N. G. Ranga : The Honourable the Finance Member will answer it

Mr. M. Ananthasayanam Ayyangar : Again and again with reference to answers (a) to (c), it has been said that negotiations are going on. Whenever any other country put an embargo, are we to go on protesting every time ? Why don't you immediately put a ban on the import of their articles ?

The Honourable Sir Muhammad Zafrullah Khan : If the implication is that our inquiries and efforts result in nothing, I would draw the attention of the Honourable Member to the case of Roumania.

Mr. M. Ananthasayanam Ayyangar : What has been the case with regard to Italy ?

The Honourable Sir Muhammad Zafrullah Khan : I have explained that correspondence started with Italy, and it was expected that the correspondence would lead to negotiations, but owing to the refusal of Italy to start with an initial concession which had been considered as absolutely necessary before negotiations could start, that correspondence is at the present moment in abeyance, and negotiations have not begun.

Mr. M. Ananthasayanam Ayyangar : Why have not retaliatory measures been taken against Ceylon since 1932, and why has preference been shown to Ceylonese articles ?

The Honourable Sir Muhammad Zafrullah Khan : How does that arise out of this question ?

Mr. M. Ananthasayanam Ayyangar : Yes, it does, part (c) of the question.

The Honourable Sir Muhammad Zafrullah Khan : My general answer to that criticism is that, with regard to a large number of these countries, the balance of trade is in favour of India. I need not go on explaining the implications of that. I am sure, Honourable Members will understand that retaliatory measures become impossible under those conditions

PUBLICATION OF DAILY LISTS OF EXPORTS AND IMPORTS BY CUSTOMS HOUSES.

147. **Mr Mathuradas Vissanji :** (a) Will Government be pleased to state, if it is a fact that Calcutta, Madras and Rangoon Custom Houses publish daily lists of exports and imports ? If so, what is the expenditure incurred by each Custom House in this regard, and what is the income received by the respective Custom Houses by way of subscriptions to these lists ?

(b) Will Government be pleased to state whether Bombay and Karachi Custom Houses publish such daily exports and imports lists? If not, why not?

(c) Is it a fact that in Bombay and Karachi, the Bombay Chamber of Commerce and the Karachi Chamber of Commerce publish such daily lists? If so, what facilities do the Bombay and Karachi Custom Houses give to the above-mentioned private agencies for such publications?

(d) Will Government be pleased to place on the table the comparative statements of subscriptions for daily exports and imports lists issued by the Calcutta, Madras and Rangoon Custom Houses and subscriptions charged by the Bombay and Karachi Chambers of Commerce for their daily lists?

(e) Is it a fact that recently the Indian Merchants' Chamber, Bombay, approached Government with a request to arrange for publication of such lists by Bombay and Karachi Custom Houses on the lines of the Calcutta, Madras and Rangoon lists? Is it also a fact that Government refused the above request? If so, why?

(f) Are Government prepared to get the lists published by the Bombay and Karachi Custom Houses instead of assigning the same to private agencies?

Mr. A. H. Lloyd : (a) Yes. A statement showing the income and expenditure is laid on the table.

(b) and (c). At Bombay, daily lists are published by the Bombay Chamber of Commerce. At Karachi, in accordance with an agreement reached in 1930, lists dealing mainly with foreign trade are issued by the Karachi Chamber of Commerce, and lists dealing mainly with the coasting trade are issued by the Joint Board of the Karachi Merchants' Association and the Buyers' and Shippers' Chamber, Karachi. Since April, 1935, the Karachi Chamber has discontinued the publication of daily lists of imports and exports but has issued enlarged monthly statements. Clerks deputed by these bodies are allowed to work in the Custom Houses and are given access to the relevant documents.

(d) A statement is laid on the table

(e) and (f). A representation suggesting that the Bombay lists should be issued by the Bombay Custom House was received from the Indian Merchants' Chamber in December, 1934. Government do not see sufficient reason for altering the existing practice, since they are not satisfied that if the work were undertaken by the Custom Houses they would be able to recover the cost without raising the rates of subscription.

STATEMENT I.

Expenditure incurred by Custom Houses on the publication of daily lists of exports and imports.

				<i>Income.</i>	<i>Expenditure.</i>
				<i>Rs.</i>	<i>Rs.</i>
Calcutta ..	..	..	..	26,241	28,551
Madras ..	..	..	..	6,589	6,405
Rangoon ..	..	..	..	18,446	17,000

Note.—The figures for Calcutta relate to the calendar year 1934 and the figures for Madras and Rangoon relate to the financial year 1934-35.

STATEMENT II

Annual subscription for Daily Lists of Imports and Exports.

	Rs.
Calcutta—	
Import	100
Export	100
Madras	90
Rangoon—	
First copy	240
Every additional copy	120
Bombay Chamber of Commerce—	
Members	160
Non-members	320
Karachi Chamber of Commerce (monthly statements)	100
Joint Board of the Karachi Indian Merchants Association and the Buyers' and Shippers' Chamber, Karachi	6

EMPLOYMENT OF INDIAN SEAMEN ON BRITISH SHIPS.

188. **Mr. Mathuradas Vissanji :** (a) Has the attention of Government been drawn to the Debate in the House of Commons on the 4th December, 1934, and in the House of Lords on the 12th February, 1935, with regard to subsidies to British Tramp Shipping ?

(b) Is it true that, in the course of the debates, Official Labour Opposition took up an anti-Indian attitude, demanding that no subsidy should be given to any ship which employs Indian seamen, so long as there was unemployment among white British seamen ?

(c) Are Government aware that some Companies owning some of these ships are receiving patronage from the Government of India in Mail subsidies and are also receiving freight on Indian products and on Indian imports, and in virtue thereof there is a general feeling among the public in India that there should be no interference with the scope and employment of Indian seamen ?

(d) Do Government propose to make a representation to the Secretary of State on the subject, pointing out the strong feeling thereon in India ?

(e) Do Government support racial discrimination against Indians in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) Government are aware that certain Members of the Labour Party in the course of the debate advocated that the subsidy should be given only if employment was given by preference to European seamen.

(c) So far as Government are aware no subsidy has been given to a company having mail contracts with the Government of India.

(d) In view of the statement made in the course of the debate on behalf of His Majesty's Government, the Government of India consider it quite unnecessary to make any representation on the subject.

(e) The question does not arise.

Mr. S. Satyamurti : May I know what is the statement of the Secretary of State ?

The Honourable Sir Muhammad Zafrullah Khan : The Parliamentary Secretary to the Board of Trade stated :

“ I am asking the Committee to allow me to emphasise the enormous consequences and implications of any suggestion that you can subdivide British nationality and allegiance into different groups. I am content to say at the moment that the vast majority of these Lascars are British subjects, entitled to British passports and to all the advantages of British citizenship to which any Honourable Member of this House is entitled ”

PREPARATIONS IN INDIA FOR A WAR IN EUROPE.

189. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they are preparing for any war in Europe by any arrangements in India ;
- (b) whether it is a fact that military contractors are being sounded about their capacity to supply provisions to the Army in certain eventualities ; and
- (c) whether there is any proposal to increase or re-arrange the distribution of armaments and forces in India ?

Mr. G. R. F. Tottenham : (a), (b) and (c) No.

Mr. S. Satyamurti : May I know, apart from any immediate war, whether any contractors are being sounded in order to test their capacity to supply provisions to the army ?

Mr. G. R. F. Tottenham : No.

GOVERNMENT'S POLICY WITH REGARD TO THE TRIBES ON THE NORTH-WEST FRONTIER.

190. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) what their definite policy is with regard to their dealings with the tribes on the North-West Frontier ;
- (b) whether it is a policy of peaceful penetration, or of ultimate conquest ; and
- (c) which tribes are friendly, and which are unfriendly ?

Mr. J. G. Acheson : (a) and (b). The attention of the Honourable Member is invited to the reply given on the 12th September 1933, to Mr. Maswood Ahmad's question No. 880.

(c) The present position is that out of the great transborder tribes for which the Government of India is responsible, the Yusafzai, the Mohsuds, the Afridis, the Orakzai, the Waziri, the Mahsuds, the Baluch, and the Brahui only one small clan on the Hazara border, three of the lesser Mohmand clans, and one of the Waziris can be described as hostile or unfriendly.

Mr. S. Satyamurti : What is the answer of 1933 please ?

Mr. J. G. Acheson : I have pleasure in reading it out. The answer given by Mr. Glancy was as follows :

“ The policy of the Government of India is to maintain the peace of the border and foster good relations with the tribes in the hope that in time civilisation will spread gradually through the tribal area. For further particulars regarding this policy, I would invite the attention of the Honourable Member to the speech made by Sir Deys Bray on the 5th March, 1923, in this Assembly.”

Mr. S. Satyamurti : What are the means which the Government of India are pursuing to spread civilisation among these tribes ? Air bombs ?

Mr. J. G. Acheson : No, Sir.

Mr. S. Satyamurti : Then, what are the other means ?

Mr. J. G. Acheson : Mainly the construction of roads

Mr. S. Satyamurti : But may I know whether they recognise the independent position of these tribes, or whether they consider them semi-independent, whether they consider them hostile or friendly ? What is the exact relationship in the international law between Great Britain in India and these unfortunate tribes ?

Mr. J. G. Acheson : The question contains an innuendo, but I will overlook that. The position is that the tribes are with India, though not with British India, and the Government of India is responsible for them

Mr. S. Satyamurti : What is meant by India ? Is it an independent state ?

Mr. J. G. Acheson : The question raises difficult legal point with which I am not prepared to deal offhand. The status of the tribal territory has in the past been described as that of Indian States, but I understand that there will be in future an alteration in status as a result of the new Constitution Act.

Mr. S. Satyamurti : Is any attempt being made to make honourable peace with these tribes ?

Mr. J. G. Acheson : Certainly.

Mr. S. Satyamurti : May I know with regard to the answer to clause (b) of the question, whether it is the policy of ultimate conquest of these tribes ?

Mr. J. G. Acheson : I do not think that that inference can be put on the statement of policy which I have made.

Dr. Khan Sahib : Is it a fact that a tribe of the Mohmand Halmzais has been helped by the Government with rifles and money to fight the Upper Mohmands in order to create a feeling of blood feud among them ? Is it for helping or destroying them ?

Mr. J. G. Acheson : It is a fact that the Halmzai Mohmands are in friendly relations with the Government and they have always carried out their relations loyally since they entered into them. They have been helped in repelling attacks upon them by the Upper Mohmands, but the rest of the Honourable Member's statement I cannot admit.

Mr. S. Satyamurti : Is it the policy of the Government to make these tribes fight among themselves, in order to justify the enormous army expenditure on the North-West Frontier ?

Mr. J. G. Acheson : Certainly not. One of the main difficulties is the maintaining of peace among the tribes and one of our chief roles is that of arbitrator between warring sections.

WOUND RECEIVED BY MR. L. W. B. H. BEST, POLITICAL AGENT IN THE MALAKAND AGENCY.

191. **Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the circumstances under which Mr. L. W. B. H. Best of the Indian Civil Service, Political Agent in the Malakand Agency Area, was mortally wounded in action on the 11th of April ;
- (b) the causes which led to this incident , and
- (c) what the relations are between Government and the Faqir of Alingar ?

Mr. J. G. Acheson : (a) and (b). The information is contained in the Associated Press message from Peshawar, dated the 16th April, 1935, which appeared in the *Civil and Military Gazette* of the 17th April and other newspapers.

(c) The Faqir of Alingar has not entered into relations with Government.

Mr. S. Satyamurti : Is he an enemy of the Government ?

Mr. J. G. Acheson : I think that is a pretty fair description of the person in question.

Mr. S. Satyamurti : Did Government make any enquiry into the causes of this unfortunate incident after the Associated Press message and really satisfy themselves that the telegram sent out was accurate ?

Mr. J. G. Acheson : The facts given in the telegram were substantially correct.

Mr. S. Satyamurti : Did Government investigate and find out whether the facts were accurate ?

Mr. J. G. Acheson : The Government were already aware of the facts.

ARTICLE IN THE *Amrita Bazar Patrika* ABOUT THE FAQIR OF ALINGAR.

192. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to an article in the *Amrita Bazar Patrika* about the Faqir of Alingar ;
- (b) whether the facts stated therein are correct ; and
- (c) the reasons why this Faqir of Alingar goes on creating trouble ?

Mr. J. G. Acheson : (a) Yes.

(b) No Sir. There has been some confusion of two distinct actions ; but the article is correct in suggesting that the Alingar Faqir is an incorrigible fomenter of armed rebellion in the tribal territory.

(c) His chief motive is believed to be to gain power among the ignorant and turbulent tribesmen.

Dr. Khan Sahib : Is it a fact that on the Frontier there is a rumour that the Faqir of Alingar is bribed by some of the political officers in order to create this trouble ?

Mr. J. G. Acheson : I have never heard the rumour, and I should think it has only to be stated to condemn itself.

Mr. S. Satyamurti : Does this Faqir of Alingar possess a charmed person ?

Mr. J. G. Acheson : I should be very glad if the Honourable Member will give me some information on that point. I have none myself.

Mr. S. Satyamurti : Are Government helpless in this matter ?

PROHIBITION OF CERTAIN IMPORTS FROM PERSIA AND AFGHANISTAN INTO CERTAIN PARTS OF INDIA.

193. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether it is a fact that the prohibition of certain imports from Persia into British India and into the Baluchistan Agency territories has been extended to imports from Afghanistan as well as into the Political Agencies of the North-West Frontier Province ;

(b) the reasons therefor ; and

(c) what the effect of such prohibition has been ?

The Honourable Sir James Grigg : (a) Yes.

(b) The protection of the revenues of India.

(c) Imports of the prohibited articles have been checked.

Mr. S. Satyamurti : May I ask for some more elucidation than is contained in the cryptic answer "The protection of the revenues of India" ? How were they going to be adversely affected by these imports from Afghanistan not having been prohibited?

The Honourable Sir James Grigg : There is no land customs line there.

Mr. S. Satyamurti : Was there any question of smuggling ?

The Honourable Sir James Grigg : A great deal.

Mr. S. Satyamurti : To what extent ?

The Honourable Sir James Grigg : I will try and find out some information.

Mr. A. H. Lloyd : A very large number of articles liable to heavy duties had been landed on the coast of Makran and the eastern part of Iran and were finding their way over this frontier into British India.

Mr. S. Satyamurti : Has the prohibition been effective ?

The Honourable Sir James Grigg : It has been particularly effective in the case of silver. Owing to the reduction of the import duty last April, the inducement for smuggling is substantially less.

Mr. S. Satyamurti : What about other articles ?

The Honourable Sir James Grigg : I could not answer that without notice, except in so far as it is covered by my general answer that imports have been checked.

EFFECT OF THE FIXATION OF IMPORT DUTY ON BROKEN RICE.

194. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the effect of the fixation of the import duty on broken rice, in so far as the imports of rice and paddy into Madras are concerned ;
- (b) whether the import duty has had the desired effect ; and
- (c) whether Government propose to take any further action in the matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). I lay on the table a statement showing imports of rice and paddy from foreign countries into the Madras Presidency up to July, 1935, and also a comparative statement of prices of all qualities of rice at Madras ports in April and July during the three years 1933, 1934 and 1935. It is too early as yet to express an opinion on the effectiveness of the new duty which came into force only on the 13th April, 1935, but prices have generally risen since then and are substantially higher than those prevailing in April and July of 1934 and 1933.

(c) No, Sir.

Imports of rice from foreign countries in o Madras Presidency.

				Rice.	Broken rice.	Paddy.
				Tons.	Tons.	Tons.
August, 1934	..	..	..	4,109	17,713	10,516
September, 1934	..	..	..	7,202	11,426	6,708
October, 1934	..	..	..	2,632	35,402	16,794
November, 1934	..	..	..	3,866	23,591	8,449
December, 1934	..	..	..	4,875	29,073	26,093
January, 1935	..	..	..	1,395	4,396	1,517
February, 1935	..	..	..	3,138	13,213	3,935
March, 1935	..	..	..	6,008	27,758	..
April, 1935	.	..	..	907	4,518	1,442
May, 1935	..	..	..	500	..	10,548
June, 1935	..	..	..	4	..	7,363
July, 1935	..	..	..	506	..	8,484

Statement showing the prices of all qualities of rice at Madras Ports.

Centre and quality.	Year.	Prices in April. (last week).	Prices in July. (as on 19th July).
<i>Madras—</i>			
		(In rupees per maund.)	
Calcutta Nagara Boiled	1933	3.23	3.86
	1934	3.36	3.83
	1935	3.83	4.08
Cocanada Boiled Delta	1933	3.01	3.01
	1934	2.82	2.94
	1935	3.55	3.60
Rangoon Boiled Milchar	1933	2.76	2.88
	1934	2.70	2.82
	1935	3.41	3.54
Rangoon Raw Broken A1	1933	2.55	2.67
	1934	2.18	2.55
	1935	3.21	3.34
<i>Calicut—</i>			
Cocanada Boiled	1933	2.48	2.79
	1934	2.91	3.09
	1935	3.65	3.85
Rangoon Milchar Rice	1933	2.41	2.73
	1934	2.54	2.73
	1935	3.53	3.59
Rangoon Raw Broken	1933	2.55	2.59
	1934	2.25	2.25
	1935	3.04	3.23
<i>Cochin—</i>			
Inferior Milcher Burma II	1933	2.32	2.38
	1934	2.32	2.76
	1935	3.51	3.45
Siam Broken A1	1933	2.12	2.22
	1934	1.93	2.39
	1935	3.24	3.34

Mr. S. Satyamurti : Are Government aware of the fact that, very recently, there have been increased imports of Siamese rice into the Madras Presidency as compared with the period just after the levy of the import duty ?

The Honourable Sir Muhammad Zafrullah Khan : I think, if I read out a few figures supplementing those in the statement which I have laid on the table, the Honourable Member will be able to see the position quite clearly. In May, 1935, there was import of rice to the extent of 500 tons and the import of paddy was 10,548. In June, 1935, the import of rice was four tons as compared with June, 1934—14,620 tons. Imports of paddy in June, 1935—7,363 tons as compared with June, 1934—15,884

tons. In July, 1935, imports of rice 503 tons as compared with 15,609 tons in the previous year and imports of paddy of 8,484 as compared with 5,600 previously. Honourable Members will see that there has been a slight increase in imports in July, 1935, as against paddy, but the total of paddy and rice imported in July, 1935, is much less than the total of paddy and rice imported in July, 1934.

Mr. Sami Vencatachelam Chetty : Is the Honourable the Commerce Member aware that just before the Act to levy a duty on imported rice, there was a very heavy importation of broken rice and paddy in the Madras Presidency ?

The Honourable Sir Muhammad Zafrullah Khan : I have laid on the table all the figures for the last twelve months.

Prof. N. G. Ranga : Does this include broken rice ?

The Honourable Sir Muhammad Zafrullah Khan : The figures I have quoted, namely, 500, 4, and 506 for May, June and July, 1935, are for rice and broken rice together, but up to April, 1935, beginning with August, 1934, in the statement which I have laid on the table, figures are given for rice and broken rice separately.

Mr. Sami Vencatachelam Chetty : Does not the Honourable Member think that the reduction in the imports of rice from May last might have been due partly to the larger imports earlier than May and also to the off-season for importation of rice ?

The Honourable Sir Muhammad Zafrullah Khan : I have no means of judging at present, but, possibly, a few months hence, a comparison of the figures will enable me to arrive at some conclusion with regard to it.

Mr. Sami Vencatachelam Chetty : Is the Honourable the Commerce Member aware that already complaints are pouring in to the Government of India that imports are increasing ?

The Honourable Sir Muhammad Zafrullah Khan : Some complaints have been received to that effect, but the figures do not seem to justify them.

Mr. C. N. Muthuranga Mudaliar : May I know from the Honourable Member that more than 3,000 tons of rice and paddy have been imported into the Madras Presidency in the course of August ?

The Honourable Sir Muhammad Zafrullah Khan : I have not yet received the August figures.

Dr. T. S. S. Rajan : Has the import duty raised the price of rice and paddy ?

The Honourable Sir Muhammad Zafrullah Khan : Yes. The figures I have laid on the table justify that conclusion. That is with regard to both broken rice and rice the price has gone up.

Dr. T. S. S. Rajan : The import duty is only on broken rice ?

The Honourable Sir Muhammad Zafrullah Khan : Yes

SENDING OF BRITISH TROOPS TO INDIA.

195. ***Mr. S. Satyamurti** : Will Government be pleased to state ·

(a) whether there has been any change in the practice of sending British troops to India ;

(b) whether more senior troops are now being drafted for India with resultant increase in cost ; and

(c) if so, the reasons therefor ?

Mr. G. R. F. Tottenham : (a) and (b). No.

(c) Does not arise.

Mr. S. Satyamurti : May I take it, therefore, that the same practice which prevailed before still continues ?

Mr. G. R. F. Tottenham : That is the meaning of my answer.

Mr. S. Satyamurti : Then the statements in the newspapers on this subject are inaccurate ?

Mr. G. R. F. Tottenham : If there have been any such statements, they must have been inaccurate.

DISABILITIES SUFFERED BY MATCH MANUFACTURERS IN BRITISH INDIA.

196. ***Mr. S. Satyamurti** : Will Government be pleased to state :

(a) whether their attention has been drawn to a statement by the Association of Indian Match Manufacturers, Bombay, as published by the Associated Press, regarding the disabilities suffered by match manufacturers in British India ;

(b) whether Government propose to take any steps to remove the disabilities under which the match industry is suffering ; and

(c) if not, why not ?

Mr. A. H. Lloyd : Government have seen only a press report of the statement to which the Honourable Member refers. Any representation which may be received from the Association of Indian Match Manufacturers or from other representatives of the industry will naturally be carefully considered

Prof N. G. Ranga : In view of the large increase in the price of matches, do Government propose to fix the maximum price for a match box ?

Mr. A. H. Lloyd : There is no such proposal before Government.

Mr. S. Satyamurti : Are Government considering the question of the abolition of the excise duty at least on the smaller match factories ?

Mr. A. H. Lloyd : No.

Mr. S. Satyamurti : Why ?

The Honourable Sir James Grigg : That is a separate question. If the Honourable Member puts down a question, I will give him the usual answer that Government do not give advance notice of their intentions in regard to taxation

Prof. N. G. Ranga : Is it not because of this excise duty on matches that the demand for matchwood produced by Government in their Andaman forest has gone down ?

The Honourable Sir James Grigg : I think it is extremely likely that the heavy tax on matches has reduced the consumption. There can be no doubt about that, but I would point out to the Honourable Member that, as far as I remember, the excise duty in itself is no more burden on the consumer than the corresponding customs duty.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to the starred question No. 138 asked by Mr. M. Maswood Ahmad on 19th July, 1934.

TRANSFERS OF THE ASSISTANT COMMISSIONERS OF INCOME-TAX.

The answer is in the negative.

Information promised in reply to unstarred question No. 92 asked by Mr. Bhuput Sing on the 20th August, 1934.

NON-CONFIRMATION OF CERTAIN CLERKS IN THE OFFICES OF THE TELEGRAPH STOREYARD, ALIPORE, CALCUTTA.

(a) The undermentioned five officers are at present located in the Telegraph Storeyard, Alipore :

- (i) Office of the Controller of Telegraph Stores, Alipore,
- (ii) Office of the Electrical Engineer-in-Chief, Alipore,
- (iii) Office of the Superintendent of Telegraph Workshops, Alipore,
- (iv) Office of the Divisional Engineer, Eastern Wireless Division, Alipore,
- (v) Office of the Accounts Officer, Telephone Revenue, Stores and Workshops, Alipore.

Except in the office of the Controller of Telegraph Stores there are no clerks who have been in temporary service for seven or eight years, but in that office there were 23 clerks with temporary service ranging from two to nine years.

(b) The question of the re-organisation of the office of the Controller of Telegraph Stores has been under consideration for some time, but for administrative and financial reasons it was not possible for some time to bring the temporary staff of the office on to the permanent establishment. But in March last, after a decision had been arrived at as to the re-organisation of the office, orders were issued to bring the temporary staff on to the permanent establishment with effect from the 1st April, 1935.

(c) As regards the first part of the question it is a fact that officials appointed on a temporary basis are not eligible for increments. As regards the second part the rules apply to all classes of Government servants and Government do not consider that there is any case for their amendment on the lines suggested by the Honourable Member.

Information promised in reply to starred question No. 163 asked by Mr. V. V. Giri on the 12th February, 1935.

LEAVE RESERVE FOR EACH CATEGORY OF EMPLOYMENT ON STATE RAILWAYS.

Government are informed that it is the practice on State-owned Railways to provide regular leave reserve for certain categories of staff in the different Depart-

ments and to take substitutes in leave vacancies in other categories. The provision of regular leave reserve which depends on local conditions varies considerably. It is not possible to specify percentage of substitutes taken in leave vacancies as the number of such vacancies fluctuates considerably from time to time

Information promised in reply to starred question No. 751 asked by Sardar Mangal Singh on the 8th March, 1935.

DEMOTIONS AND SUPERSESSIONS IN CERTAIN DIVISIONS OF THE EAST INDIAN RAILWAY.

The Agent, East Indian Railway, reports :

(a) If the question relates to the travelling ticket examiner on the Moradabad Division referred to in the answer to question 440 (a) quoted whose former substantive pay prior to the introduction of the Moody-Ward scheme was Rs. 160 per mensem plus Rs. 50 consolidated allowance and who was absorbed as a travelling ticket examiner under the Moody-Ward scheme in the grade Rs. 70—5—95, the position is as follows :—

In accordance with the orders communicated in the Railway Board's letter No. 822-E.G., dated the 22nd December, 1932, to absorb higher paid travelling ticket examiners in posts carrying rates of pay equivalent or as near as possible to the rates of pay drawn by them in their substantive posts prior to their absorption in the Moody-Ward scheme, this travelling ticket examiner was subsequently appointed as assistant head ticket collector (grade Rs 110—5—140) and was allowed to continue to draw Rs 160 per mensem but the consolidated allowance was discontinued as the post in which he was appointed involved stationary duties

(b) and (c). An assistant head ticket collector drawing pay at Rs. 140 in the grade Rs. 110—5—140 was promoted to the grade of junior inspector of tickets in the grade Rs. 150—10—190 when the individual referred to in part (a) to this question was still a travelling ticket examiner in grade Rs. 70—5—95. The former being in a higher grade was senior to the latter.

(d) and (g). I would refer the Honourable Member to the information laid on the table of the House, in reply to question No. 304 asked by Dr. N. B. Khare on the 9th April, 1935.

(e) and (f). Government are unable to make enquiries as the Honourable Member has not quoted specific cases in which supersessions have taken place.

(h) The Agent, East Indian Railway, reports :

The answer to the first part of the question is in the affirmative, but with this qualification that the restoration was limited to such as were eligible and exercised the option accorded. There are no grades under the Moody-Ward scheme equivalent to old East Indian Railway grades, mentioned in the question.

(i) Absorption of "the holders of the restored substantive grades" in grades in the Moody-Ward scheme commensurate with their pay is a matter dependent not only on the availability of vacancy in such grades, but also on the ability of the men concerned and their qualifications to be considered suitable for holding such grades. There can, therefore, be no rigid direction that all who were restored to their old scales of pay should be absorbed indiscriminately in vacancies within any fixed limit of time.

(j) Copy of Railway Board's letter No 822-E.G., dated the 22nd December, 1932, to the Agent, East Indian Railway, is attached herewith. It may, however, be mentioned that notwithstanding the option given under certain conditions for the election of old substantive grades the policy is that the holders of such posts should be considered for vacancies in existing higher scales which approximate in value as nearly as possible to the pay drawn by them in the old scales.

Copy of letter No. 832-E.G., dated the 22nd December, 1932, from the Director, Railway Board, to the Agent, East Indian Railway

TICKET CHECKING STAFF.

With reference to the correspondence ending with your letter No. 157, dated the 25th August, 1932, I am directed to state that, while the Railway Board are convinced that there is no justification for paying the ticket inspecting or examining staff mileage allowance as running staff, they are inclined to think that some consideration should be shown to those employees who now hold the posts of Travelling Ticket Examiners and who, prior to the Crew System, held permanent posts of Travelling Ticket Inspectors in a substantive capacity and drew a mileage or running allowance, in view of the comparatively large reduction in their emoluments. The Governor General has accordingly decided, as an *ex gratia* measure, that with effect from the 1st December, 1932, the following scale of monthly consolidated travelling allowances should be sanctioned to such employees :

	Per mensem.
	Rs.
For staff drawing less than Rs. 100	35
For staff drawing Rs. 100 and over but less than Rs. 200 ..	50
For staff drawing Rs. 200 and over	65

2. I am further to state that the Railway Board have decided that an employee who held a permanent post in a substantive capacity as a Travelling Ticket Inspector prior to the introduction of the Crew System and who on the introduction of the Crew System and who on the introduction of the Moody-Ward Scheme is now assigned duties the same or approximately the same as he discharged prior to the introduction of the Crew System should be allowed the option, with effect from the introduction of the Moody-Ward scheme, of retaining the scale of pay applicable to the permanent post held by him in a substantive capacity prior to the introduction of the Moody-Ward scheme with the benefit of increments therein. With a view to reducing the extra expense arising from the grant of this concession the Board desire that such employees should be considered for promotion to higher posts for which they may be qualified as vacancies occur in such posts.

3. I am to add that the Railway Board do not agree with the recommendation made in paragraph 29 of the 'Report of the Committee appointed to consider the appeals received from the Ticket Checking Staff absorbed in the Moody-Ward Scheme on the East Indian Railway'. The Railway Board are of the opinion that if a mistake has been made it should be rectified and the pay of the staff in question reaffixed in the manner suggested in paragraph 29 of the Report, *viz.*, in the lower grade of Rs. 37—3—52, the number of posts in this grade being temporarily increased as proposed in paragraph 29 of the Committee's report, the men in question being, however, allowed to retain the rate of pay actually drawn by them at present, and the difference treated as personal pay to be absorbed in future increments. The Board would like you to take steps accordingly unless you have any further representation to make on this point.

Information promised in reply to unstarred question No. 165 asked by Mr. B. B. Varma on the 9th March, 1935.

TREATING OF LOCOMOTIVE ASSISTANT RUNNING SHED FOREMEN AS CONTINUOUS WORKERS ON THE EAST INDIAN RAILWAY.

(a) The Agent, East Indian Railway, reports that the daily duty hours of the Assistant Running Shed Foremen at Bandel, Ondal, Allahabad, and Tundla are 12 and that they are classified as 'Supervisory' and that their classification as such is based on the nature of the duty they perform in accordance with the Hours of Employment Regulations.

(b) The question whether they should continue to be treated as Supervisory staff or should be treated as continuous workers and brought under the Hours of Employment Regulations is under investigation by the Supervisor of Railway Labour. If the conditions of work of these employees justify a reclassification from supervisory to continuous, necessary action will be taken in due course.

Information promised in reply to unstarred question No. 207, asked by Mr. N. M. Joshi, on the 9th March, 1935.

ACTION TAKEN ON THE RESOLUTIONS ADOPTED AT THE CONFERENCE OF THE EAST INDIAN RAILWAY EMPLOYEES' ASSOCIATION.

Government are informed that the Association referred to by the Honourable Member has not, so far, been recognised by the Agent, East Indian Railway, and consequently he is not bound to consider representations which may be made by that Association either direct or by means of resolutions. The Agent, East Indian Railway, reports that he, nevertheless, took action on resolutions which concerned the East Indian Railway Administration. He accepted resolutions Nos. 7, 10 and 19. Resolutions Nos. 4, 9, 11, 11-B, 12, 14, 15, 16, 17, 20 and 21 were not accepted. As regards the matter dealt with in resolution No. 13, orders have since been issued that arrangements should be made for the provision of Box *Khallasies* for the carriage of boxes of all classes of drivers when circumstances render this necessary. The matter referred to in resolution No. 6 is under consideration. As regards resolution No. 5, the Honourable Member is referred to the replies given to starred questions Nos. 1545 and 1546 asked by Bhai Parma Nand in the Legislative Assembly on the 5th April, 1935. It is understood that the statements made in resolutions Nos. 8, 18 and 25 are not based on facts.

Information promised in reply to starred question No. 957 asked by Mr. Sri Prakasa on the 21st March, 1935.

EXAMINATION HELD AT CHANDAUSI FOR THE SELECTION OF CANDIDATES FOR ASSISTANT STATION MASTERS' COURSE.

The Agent, East Indian Railway, reports :

“(a) Yes.

(b), (c) and (d). Requests for application forms together with the fee were required to reach the Divisional Superintendent's office, Moradabad, not later than the 28th December, 1934. Accordingly, application forms were correctly issued up to the 28th December, 1934, afternoon. Candidates who obtained the application forms on payment of Re. 1 up to the 28th December, 1934, were given time to submit their applications up to the 4th January, 1935. Application forms received after the 4th January, 1935, were not considered.

(e) Applicants were required to be qualified in telegraphy with a speed of 20 words per minute in receiving and sending. Several of the candidates who passed the test or were finally selected did not attain a speed of 20 words a minute in telegraphy. The final selection did not necessarily depend only on the speed in telegraphy. Some candidates with higher speed in telegraphy were not selected as the Selection Board did not consider them otherwise suitable.

(f) 96 candidates with better claims and qualifications were selected for the Telegraphy Test, *i.e.*, four times the number required. The fee of Re. 1 was not refunded in terms of the advertisement.

(g) This was due to late arrival of the train by which an officer of the committee was returning to Headquarters. The Selection Board had to sit late in order to avoid inconvenience to candidates who would otherwise have had to remain at Moradabad for another day.

(h) 13.

(i) Six candidates were selected for signallers' posts. Candidates having a higher speed in telegraphy but otherwise considered unsuitable by the Selection Board were not selected.

(j) No. The candidates not selected were not considered suitable for appointment.

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Information promised in reply to unstarred question No. 238, asked by Sir Muhammad Yakub on the 25th March, 1935.

CANDIDATES FOR LEGISLATIVE ASSEMBLY ELECTION WHO LOST THEIR SECURITIES.

List of candidates whose deposits were forfeited under rule 12(3) of the Legislative Assembly Electoral Rules in connection with the general election of 1934.

Name	Constituency.
1. Mr. V. Subrahmanyam	East Godavari, West Godavari cum Kistna (Non-Muhammadan Rural)
2. Mr. T. Kanthimathinatha Pillai .	Madura and Ramnad cum Tinnevely (Non-Muhammadan Rural)
3. Mr. P. Varadarajulu Nayudu	Salem and Coimbatore cum North Arcot (Non-Muhammadan Rural)
4. Mr. T. R. Venugopal Chetti . . .	Tanjore cum Trichinopoly (Non-Muhammadan Rural)
5. Kalam Sahib J. A. alias Nawab Sahib	North Madras (Muhammadan).
6. Mr. J. M. Mehta	Bombay City (Non-Muhammadan Urban).
7. Mr. A. O. Koreishi	Bombay Central Division (Muhammadan Rural).
8. Mr. Narayan Ramji Gunjal .. .	} Bombay Central Division (Non-Muhammadan Rural)
9. Mr. Baburao Vishwanatha Batane .	
10. Capt. Sardar Bhimrao Nagojirao Patankar	} Bombay Northern Division (Non-Muhammadan Rural)
11. Mr. Nasservanji Navroji Anklesaria	
12. Mr. Amar Nath Dutt . . .	Burdwan Division (Non-Muhammadan Rural).
13. Mr. Joy Kumar Singh Dudhonia ..	Presidency Division (Non-Muhammadan Rural)
14. Rai Bahadur Rameshwar Prasad Bagla	Allahabad and Jhansi Divisions (Non-Muhammadan Rural).
15. Mr. Yusuf Imam . . .	United Provinces Southern Divisions (Muhammadan Rural).
16. Mr. Khayali Ram .. .	} Agra Division (Non-Muhammadan Rural).
17. Kunwar Gajendra Pal Singh . . .	
18. Sardar Rajindra Singh	East Punjab (Sikh)
19. Resaldar Anup Singh	West Punjab (Sikh).
20. Mr. Jagat Narain Lal .. .	Patna cum Shahbad (Non-Muhammadan).
21. Mr. Ram Krishna Jha	Darbhanga cum Saran (Non-Muhammadan).
22. Mr. N. K. Chaudhuri	Chota Nagpur Division (Non-Muhammadan).
23. Khan Bahadur H. M. Wilayatullah .	Central Provinces (Muhammadan).
24. Mr. Kunjilal Dube	} Central Provinces Hindi Divisions (Non-Muhammadan).
25. Rao Sahib Baburao Ramji .. .	
26. Mr. S. G. Jog . . .	} Berar (Non-Muhammadan).
27. Mr. Maganlal .. .	
	Ajmer-Merwara (General).

Information promised in reply to starred question No. 1012 asked by Mr. C. N. Muthuranga Mudaliar on the 28th March, 1935.

ATTACHED OFFICES OF THE GOVERNMENT OF INDIA SECRETARIAT.
STATEMENT.

Offices.	Personnel.			Whether any portion of the office is kept at Delhi during the summer			Cost of Annual move		Remarks.
	Officers.	Minis-terial Estab-lishment.	Inferior servants.	Officers	Minis-terial Estab-lishment	Inferior servants.	Latest figures available		
Office of the Central Board of Revenue.	7	44	32		Nul.		Rs a. p. 24,120 0 0		
Office of the Controller of Printing and Stationery, India.	3	38	19	2	33	14	3,158 0 0		
Office of the Chief Controller of Stores, Indian Stores Department, including the Industrial, Intelligence and Research Bureau	15	165	64	..	1	1	67,800 0 0		
Office of the Director General, Posts and Telegraphs.	19	182	103	11	172	81	12,625 0 0		A considerable portion of the expenditure on the move returns to Government in the shape of railway fare and freight on the N. W. Railway, and the net expenditure is therefore actually much less than the gross expenditure shown under column "cost of annual move."
Office of the Director of Civil Aviation.	6	49	24		Nul.		19,484 0 0		
Office of the Chief Engineer, Central Public Works Department.	11	95	71	10	93	67	1,116 0 0		

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Offices.	Personnel.			Whether any portion of the office is kept at Delhi during the summer.			Cost of Annual move.	Remarks.
	Officers	Ministerial Establishment	Inferior servants.	Officers.	Ministerial Establishment	Inferior servants.		
Office of the Public Service Commission.	6	28	27	..	..	1	Rs. a. p. 13,450 0 0	
Office of the Intelligence Bureau ..	8	39	44	..	..	1	26,597 0 0	
Office of the Director General, Indian Medical Service.	4	37	25		Nil.		18,670 0 0	
Office of the Bureau of Public Information	2	12	11		Nil.		9,384 0 0	
Office of the Director General of Archaeology.	3	15*	14*		Nil.		11,400 0 0	* 1 clerk and 3 inferior servants are kept at Simla permanently. A considerable portion of the expenditure on

Office of the Military Accountant General.	6	100	29	Nil.	1,16,984 0 0	1 officer, 13 clerks and 4 inferior servants remain in Simla all the year round.	the move re- turns to Govern- ment in the shape of railway fare and freight on the N. W. Railway, and the net expenditure is therefore actu- ally much less than the gross expenditure shown under column "cost of annual move."
Central Standards Office of Rail- ways	7	46	21	Nil.	19,220 0 0		
Supervisor of Railway Labour ..	1	3	3	Nil.	2,140 0 0		
Statistical Research Branch of the Commercial Intelligence and Statistics Department.	2	14	10	Nil.	5,257 0 0		
Office of the Agricultural Marketing Adviser to the Government of India.	19	17*	20	.	..	This office has been constituted with effect from the 1st January, 1935 and located permanently at Old Delhi. The head of the office will move with the Government of India between Delhi and Simla and two senior officers under him will be permitted to recess in Simla for not more than two months during the summer each year.	

* One post to be filled up from 1st April 1936.

Information promised in reply to part (b) of starred question No. 1038 asked by Mr. A. K. Fuzlul Huq on the 26th March, 1935.

RECOVERY OF HOUSE RENT FROM TICKET COLLECTORS ON THE EAST INDIAN RAILWAY.

(b) Yes. Applications for remission in whole or in part are being considered on the merits of each case.

Information promised in reply to starred question No. 1235 asked by Pandit Sri Krishna Dutta Paliwal on the 30th March, 1935.

HEARING OF APPEALS BY THE DIVISIONAL SUPERINTENDENT OF THE ALLAHABAD DIVISION, EAST INDIAN RAILWAY.

(a) The Agent, East Indian Railway, reports that it is not a fact that appeals in the Allahabad Division are always left to be disposed of by the very officers who initiate the punishment. Government do not consider that any useful purpose will be served by collecting statistics of appeals personally enquired into by Divisional Superintendent, Allahabad, in which the orders of subordinate authority were reversed.

(b) Yes, in the cases which are covered by the Rules regulating the discharge and dismissal of State Railway non-gazetted Government servants.

(c) The Chief Operating Superintendent personally reviews all appeals that he to him under the Rules

(d) The orders of the Divisional Superintendent are reversed only if the Chief Operating Superintendent on examining the grounds of an appeal which lies to him finds that the orders of the Divisional Superintendent are not justified.

Information promised in reply to starred question No. 1355 asked by Dr. N. B. Khare on the 2nd April, 1935.

APPLICABILITY OF CERTAIN PARAGRAPHS OF THE STATE RAILWAY OPEN LINE CODE, VOLUME II, ON STATE RAILWAYS.

Many of the rules contained in paragraphs 155 to 302, 319 to 384 and 403 and Appendix 8 of State Railway Open Line Code, Volume II, have been superseded by new rules and regulations. An up to date Establishment Manual is under preparation at present, a copy of which will be placed in the Library of the House when ready.

Paragraphs 562 to 589 have been superseded by Volume I of Railway Audit and Account Code.

Appendix 2 of the State Railway Open Line Code, Volume II, has been superseded by Book of Financial Powers.

Appendix 3.—The rules for issue of free passes are at present undergoing revision, a copy of which will be placed in the Library of the House when ready.

Appendix 5 is still operative.

Appendix 6 has been superseded by the State Railway Code (Revised).

Appendix 10 has been amended to some extent by later orders.

ELECTION OF A MEMBER TO THE IMPERIAL COUNCIL OF AGRICULTURAL RESEARCH AND ITS GOVERNING BODY.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order.

12 Noon.

I have to inform the Assembly that upto 12 noon on Thursday, the 5th September, 1935, the time fixed for receiving nominations for the Imperial Council of Agricultural Research

and its Governing Body, only one nomination was received. As there is only one vacancy I declare Mr. Muhammad Azhar Ali to be duly elected to the Imperial Council of Agricultural Research and its Governing Body.

THE CRIMINAL LAW AMENDMENT BILL.

Mr. President (The Honourable Sir Abdur Rahim). The House will now resume consideration of the following motion moved yesterday by the Honourable Sir Henry Craik :

“ That the Bill to amend the Criminal Law be taken into consideration.”

Mr. K. L. Gauba (East Central Punjab : Muhammadan) : Mr President, the Honourable the Home Member referred to the triple menace of terrorism, Communism and communalism. I am afraid the Honourable Member forgot a fourth menace, and a much bigger one, namely, an irresponsible executive. “ In 1927 ”, said the Home Member, “ after the Calcutta riots, every Indian newspaper lost its balance.” We would like to know, Sir, how many Provincial Governments, in the intoxication derived from the powers of the Criminal Law Amendment Act of 1932, kept their balance ! The Home Member referred to the voiceless millions of India. These voiceless millions have had many friends—the *Morning Post* (Laughter), Sir Michael O'Dwyer, and Mr. Winston Churchill ! Perhaps the Home Member does not know the silent prayer of the voiceless millions—“ God save us from our friends ! ”

The picture of India, Sir, which the Honourable the Home Member has painted, is a picture which shows that India is undermined with terroristic activity, that it is overrun by Communists, that communalism is rampant in the country. If these facts are really correct, I am afraid the Honourable Member has come to the wrong shop for the wrong remedy. If these are the necessities of the situation as he has painted it, the proper place for the proper remedy is the Viceregal Lodge for an Ordinance ! But, Sir, we know that the picture is not the picture of the country in substance. Terrorist activity, whatever it was in the past, is certainly not now what it was before.—and Communism is a much too exaggerated danger. It is merely a plea to get powers, which this House might not otherwise be ready to concede. When, Sir, we see officials waxing pathetic over communalism, we are reminded of the fact that even crocodiles can weep !

The Government, Sir, have come here for legislation. If this legislation is to go through, and if this House is to consider that legislation, it must be based on four essential facts : it must be tested by four distinct criteria. Firstly, Government must prove that there is a present and a proximate necessity. Secondly, Government must establish that the ordinary law is insufficient to meet the requirements of the situation. Thirdly, the Government must give a guarantee that the powers which they want under the legislation will not be abused.

Pandit Lakshmi Kanta Maitra (Presidency Division : Non-Muhammadan Rural) : What is the value of that guarantee ?

Mr. K. L. Gauba : Fourthly, Sir, the objects and terms of the legislation must be clearly and distinctly defined.

[Mr. K. L. Gauba.]

Let us for a moment consider the question of the present necessity. My learned friend referred to a terrorism which was rampant. Of course, in the case of terrorism, we are supposed to accept the statement that terrorism is rampant. That statement is based not on any published facts, but merely on confidential records. I would remind the House of only one thing. In January last, there was a motion for adjournment of this House on the question of the internment of a Member of this Assembly—Mr. Sarat Chandra Bose, and the reason for his detention. The reason why he had been prevented from coming to this House was said to be based on confidential information. The Government could not take any of the Leaders of the Parties into confidence over those facts; Government could not even place those facts before three eminent Judges for consideration. Sir, those were allegedly very damaging facts against an Honourable Member of this House. What happens six months after? Government releases Mr. Sarat Chandra Bose! I say, Sir, if that is the test of Government's confidential information, well, we know what value to attach to that confidential information.

Communism is the next of the menaces with which this country is alleged to be faced. Here also we are expected to accept the statement that Communism is rampant. Has the Honourable the Home Member put forward any evidence, whatsoever, before this House to convince this House that Communism is actually rampant in the country? We have had a harrowing picture of communalism in the shape of riots of 1926 and 1927, the outbursts of 1921 and the fierce articles of 1930. Has the Honourable the Home Member made out any case on the ground of communalism in 1935?

The Honourable Sir Henry Craik (Home Member) : I thought that was obvious

Mr. K. L. Gauba : On that point I am ready at any time to join issue with the Honourable the Home Member. Well, Sir, we are told over and over again that India must prove her fitness before she can be given a further measure of responsibility. How has she managed the powers which have already been given to her? Well, so far as the executive is concerned, I think this House is entitled to put the very same test. We entrusted them with certain powers in 1932, and now they have come to us for further powers or for the continuation of those very powers for ever. We are entitled to know and the country is entitled to ask : "You have had three years of these extraordinary powers, and how have you used those powers during that time?" We are entitled to put that question, and, unless we get a definite, proper and convincing answer, we are not prepared to give them any further powers. Sir, we gave them certain powers to meet terrorist activities, Communist activities and communal activities, but we did not give them power to muzzle the press in such matters as the Quetta earthquake. I did not know until last evening, when I was looking at the statement which was laid on the table yesterday, that 15 papers had been penalised for articles about the Quetta earthquake. Well, Sir, if the Government want powers for terrorism, Communism and communalism, the Quetta earthquake does not come within that category.

The Honourable Sir Henry Craik : Have you read those articles?

Mr. K. L. Gauba : You might circulate those articles, and we will consider them on one of these days. Well, Sir, day before yesterday, there was an intimation in the newspapers that the security of the *Ahsan* of Lahore had been forfeited for an article entitled "Government and Shahidganj". I have not seen that particular article, but from the nature indicated by the title of that article it is perfectly clear that that article cannot come within either of the three categories mentioned by my learned friend opposite. The control and censorship of the press during the Shahidganj agitation was not directed towards avoiding so much of the conflict between one community and another. . . .

The Honourable Sir Henry Craik : Question

Mr. K. L. Gauba : as to conceal the illegal acts, violent acts and unjustifiable acts of the military and the Punjab Government.

The Honourable Sir Henry Craik : Oh, no

Mr. K. L. Gauba : The Honourable the Home Member may say "Oh, no" over and over again, but he knows it definitely, and every Member of the Punjab Government knows it well, that on the question of Shahidganj they are not prepared to face an inquiry. If that is the case, how can they blame us if we put the worst interpretations on their avoiding of an inquiry.

Well, Sir, one could understand if the Government of India had come to this House and said : "You gave us powers then and they were emergent powers. In 1932, we were desperately in need of legislation and the clauses of the Bill of 1932 were passed in a hurry. We think that those powers are necessary in the interests of the country and in a case of necessity, justice, equity and good conscience may be over-ridden. Now, that necessity has gone but we still want those powers. We have no objection if those powers are put into legal and proper form." But, Sir, Government have done absolutely nothing of the kind. They have put forward the legislation of 1932 and 1931, *mutatis mutandis*, for this House to re-enact in perpetuity. I will refer to only one instance. Take section 7 regarding picketing. Now, what was the case which the Honourable the Home Member made out as regards picketing ? After all, it is a very important provision and great deal of the speech of the Honourable the Home Member was devoted to picketing. What case did he make out of picketing ? He said there had been picketing in the MacLagan Engineering College at Lahore ; there had been picketing in the Technical College of Lahore ; and there had been picketing in a cinema at Amritsar. The MacLagan Engineering College incident is, I think, fresh to most Members of this House. That was not directed against Government but the feelings of the students were outraged by certain remarks which are alleged to have been made by the Principal of that college. The dispute over the Hindu Technical College, Lahore, was more or less of a similar character. As regards the cinema incident, we are entitled to ask whether one cinema incident in Amritsar is a sufficient argument or a sufficient reason to saddle the whole of the country with legislation of this character ? That is the type of argument and reasoning which has been put forward. Sir, I came here yesterday with an absolutely open mind. If Government had made out a clear and convincing case of the necessities of this situation, I think many Members of this House would have been

[Mr. K. L. Gauba.]

ready to give this legislation their best consideration. But so far they have made out no case at all

Sir, I will refer to the Bill in a very slight detail. Might I draw the attention of the House to section 5 of the Criminal Law Amendment Act? This section refers to the reproduction of certain books, news papers and documents which have been proscribed. The procedure laid down in the section is, that if Government takes any objection to any reproduction, it will issue a certificate to a Court and that Court must regard that certificate as final in the nature of its being either seditious or otherwise. We are not having emergent legislation now. We are considering an Act which Government want to be permanently placed on the Statute-book. If Government really want a section of this kind, the proper wording for it should be, that if any Court on a prosecution lodged by Government is of the opinion that a particular proscribed passage or seditious passage has been reproduced, the Court having arrived at that decision might convict the offender. If Government is to institute the prosecution, if Government is to be the judge, why shouldn't Government itself pass the sentence. Why shouldn't the Local Government itself issue a warrant of arrest, take the man and lodge him in prison instead of going through the farce of a proceeding in a Court of law. That is one instance of the crude phraseology, the crude provisions of this Act. Look at section 16. Section 16 adds various clauses to the powers given under the Emergency Press Act of 1931. In 1931, it was considered sufficient to control the Press in respect of certain articles about terrorist and those persons who praised murder. If that was the case in 1931, how is the situation in the country worse in 1935 to justify the continuance of section 16.

There is one question on which I think every Honourable Member of this House has a right to demand of Government a frank and straightforward answer. Do the Government want this legislation to meet terrorism, Communism or communalism? Are the Government willing to confine this Act for these three purposes? Or are they taking this Act from us on the pretext of three purposes but in reality to be employed for 50 purposes afterwards. Sir, I think before this House decides whether it is to give this Bill consideration or not, we should have from the Government a clear and frank answer on this subject, namely, whether Government really want this Act to meet these three purposes only or whether they want it for other purposes and whether the Government are prepared to confine the provisions of this Act to the three purposes which the Honourable the Home Member has mentioned.

There is another question which I think the Honourable the Home Member should answer for the benefit of Honourable Members of this House, namely, whether he wants this Bill as it stands, word for word, letter for letter or whether he is prepared to consider here on the floor of the House with the Members of this House fair and proper amendments to this Bill.

The Honourable Sir Henry Craik : Certainly

Mr. K. L. Gauba : I am very glad to hear from the Honourable the Home Member that he is open to consider proper amendments.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Will be accept them ?

The Honourable Sir Henry Craik : I did not say, accept. Obviously I cannot commit myself in advance.

Mr. K. L. Gauba : Neither, Sir, do we commit ourselves to accept the Bill in the final form in which it might appear. (Hear, hear.) The purpose of the Bill has been stated to be to help the new Governments that are coming into force. Well, Sir, I think that the new Governments, like those voiceless millions, can be left to look after themselves. The new Governments have been amply armed. Their armoury is full of defensive weapons, safeguards, Ordinances, individual discretions. If there were any armaments required for the new Governments, I am sure Mr. Winston Churchill would have discovered them. I do not wish to detain the House any longer. All I wish to say is this and I say it frankly and openly to the Honourable the Home Member opposite that so far as the Bill stands in its present form, it is entirely unacceptable (Applause) to every community in this country. (Hear, hear.) In any other form one cannot say, but in its present form, it is an insult to the intelligence of this House (Hear, hear) and it is an insult to the people of this country (Applause)

Mr. G. Morgan (Bengal : European) : Mr. President, before I state the views of the European Group on the motion before the House, I desire to congratulate most heartily my Honourable friend, Mr. Griffiths, on his excellent maiden speech. I may say, Sir, that it is the best maiden speech I have ever heard in this House. My Honourable friend showed a complete grasp of the subject, and from what I could see, no one in this Honourable House was more astonished than my Honourable friend, Mr. Satyamurti

Mr. S. Satyamurti : That he could make such a good case out of a bad one.

Mr. G. Morgan : Sir, I have risen to support the resolution before the House.

My Honourable friend Mr. Satyamurti stated that the Opposition in opposing this resolution were acting under a deep sense of responsibility. Sir, I say that to vote against this resolution would show that one had no conception of what one's responsibility was as a Member of this House, or what was one's duty to India.

My Honourable friend Mr. Satyamurti stated that if his.....

Mr. Satyamurti . You will always vote with the Government. That is your sense of responsibility

Mr. G. Morgan : My Honourable friend, Mr. Satyamurti, stated that if his Party were in power they could rule the country without this Bill. He is an optimist. Mr. Satyamurti's points were, in the course of a long speech, three, so far as I could gather :

1. That Government were seeking to rule by executive action without any interference from Courts of law.

[Mr. G. Morgan.]

2. To suppress all journalists who were not friendly to Government.
3. That the ordinary law of the land was quite sufficient to cope with all subversive activities, and objectionable press publications.

Sir, with regard to the first point, no one in their senses could interpret this Bill as meaning what Mr. Satyamurti says it does.

The second point is pure imagination on my friend's part.

The third point, in regard to the press, the House has been assured that the existing Act is an obstructive measure which makes it practically impossible for responsible journalists to carry on their work. The answers to questions recently put in the Bengal Legislative Council reveal that only in an insignificant number of cases have deposits been forfeited, which seems to show that no very great hardship exists. There is no foreign country where the press is so free as in India, as a perusal of the daily papers shows.

Under the Act of 1932, a large number of presses have been started. So it cannot be argued that the Act has been a deterrent to journalists. Can it be said that there has been any misuse of the Act of 1932 ?

The press is at liberty to criticise Government. This legislation is designed not to restrict that freedom, but to prevent open incitement of people to lawlessness, and sympathy with subversive crime. No one in this Honourable House can object to that. No one can say that this legislation interferes with the real liberty of the press. No decently run press has anything to fear. The press is absolutely free to carry on the activities for which the press is intended.

I would refer the Honourable Members to the explanations at the foot of section 16 which is retained.

Sir, when I was taking notes yesterday morning, I put down cinematograph vs. press pamphlets, &c., but my Honourable friend, Mr. Griffiths, has already made the point I had hoped to make.

Sir, Government desire to continue the powers they have at present to curb certain subversive activities, which Government have reiterated, time after time, they cannot do under the ordinary law of the land. My Honourable friend, Mr. Griffiths, has explained this point very clearly. The ordinary law as stated by the Honourable the Home Member has no terror for those who decide on revolutionary activities.

Now, Sir, the opposition say the Bill is unnecessary, because,

- (1) Emergency has gone and the country is now quiet.
- (2) The ordinary law is sufficient.

But in fact though the country is quiet this is only because the Civil Disobedience Movement is quiescent and Congress themselves have emphasised that Civil Disobedience has only been suspended, and not abandoned. But this argument—namely that Civil Disobedience has been suspended and that therefore the Bill is unnecessary—is, as a matter of fact, off the point, because as the Statement of Objects and Reasons shows, the sections of the existing Acts, directed against special features of the

Civil Disobedience Movement, have been dropped in the Bill now before the House.

Sir, I repeat the Bill is a preventive measure designed to fill in gaps in the Indian Penal Code and the Criminal Procedure Code. As the Honourable the Home Member has explained, these are not sufficient under modern conditions to cope with certain forms of subversive or lawless activity.

Sir, the drastic sections 6 and 8 of Act 23 of 1932 have been dropped.

The main provisions of the new Bill are designed :

1. to deal with picketing,
2. to enable Government to take action in connection with premises and funds used for the purpose of unlawful associations,
3. to extend the period of the Indian Press Emergency Powers Act, 1931.

Under section 503 of the I. P. C the intention is clear that picketing should be unlawful, but as the experience of recent years has shown this form of lawless activity has been and is being used against individuals who do not share the political, social or economic views of the picketers, or (as in some cases) are simply trade rivals. Section 7 of Act 23 of 1932 remains, *therefore*, urgently necessary. Moreover it should not be forgotten that, as a safeguard against its abuse, it only comes into force in areas notified by the Provincial Governments and action can only be taken upon it on reports made by senior police officers.

In regard to section 13 of the Act of 1932 this section remains as necessary today as it was in 1932, to enable Government to deal with unlawful bodies such as communist or terrorist organisations. The Honourable the Home Member has explained fully the reasons for this section and I heartily support him.

Sir, I share with the Honourable the Home Member the desire to make this Bill a permanent Act on the Statute-book.

If it is of a temporary nature, those who are busy with subversive activities will always cherish the hope that the Act may not be renewed. In any case Honourable Members are aware that an Act can always be repealed.

Mr. President (The Honourable Sir Abdur Rahim) : Today being Friday, I adjourn the House now to 2-15 P.M. The Honourable Member can resume his speech when the House meets again.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

STATEMENT OF BUSINESS

The Honourable Sir Nripendra Sircar (Law Member) : Sir, with your permission, I desire to make a statement as to the probable course of

[Sir Nripendra Sircar]

Government business in the week beginning Monday, the 9th September. You have already directed, Sir, that in that week the Assembly shall sit for official business on Monday, the 9th, Tuesday, the 10th, Wednesday, the 11th, Thursday, the 12th, and Friday, the 13th.

On Monday, the first item of business will be a motion for the election of a Member to the Standing Advisory Committee for the Indian Posts and Telegraphs Department. Leave will then be asked to introduce a Bill to supplement the Central Provinces Courts Act, 1917. Thereafter, the discussion of the motion to take the Criminal Law Amendment Bill into consideration will be resumed. Honourable Members will realise that it is difficult for me to say at this stage how much time will be occupied next week by this Bill. All that I can say is that, if time allows, we shall proceed to dispose of business left unfinished on Tuesday's List, and, thereafter, we shall take the consideration of the Payment of Wages Bill as reported by the Select Committee.

THE CRIMINAL LAW AMENDMENT BILL—*contd.*

Mr. G. Morgan : Sir, the Honourable the Home Member referred to four things which have to be guarded against, namely, (1) Civil Disobedience, (2) Terrorism, (3) Communism, and (4) Communal Unrest. My friend, Mr. Gauba, mentioned another, I think, and that was the irresponsible executive, but he forgot that the new Government of India Act was legislation to accomplish the very object he had in view. With regard to Nos. 1, 2 and 4, we know more or less where we are, but, with regard to No. 3, Communism, we are in considerable danger. It is a much bigger thing than any of the other three. Communism is in open conflict with the democratic as well as the capitalistic system. In this connection, I would like to quote what the Bulgarian Communist declared at a recent meeting of International Communists in Moscow held early in August. He declared that Communists must remain irreconcilable enemies to every Bourgeois Government. He said that Communists must constantly endeavour to persuade their fellow workers that overthrow of existing Governments and establishment of proletariat *dictatorships* are the only final solution. Those who favour democratic institutions would do well to take note of this fact. The Honourable the Home Member has pointed out that the Congress views would be opposed by Communism. My friend, Mr. Gauba, said that Communism was a much exaggerated thing, that Government could not prove that Communism was rampant in India. That may be so, but we do not want to wait until anything is rampant in the country to pass the necessary laws to enable the Government to deal with any situation which may arise. We should not wait until the danger has got to such a pitch when it can be called rampant and then have to take much more drastic measures than a measure of this description to check it.

Sir, to conclude, we support this resolution, because we feel that it is in the best interests of India. I come from Bengal, and I endorse every word spoken by my friend, Mr. Griffiths. We wish to save the youth of this country from all subversive crime and we wish Government to have all powers that are necessary to achieve their object, and save India from disaster.

Sir Ghulam Hussain Hidayatallah (Sind Jagirdars and Zamindars Landholders) : Sir, I will not take much time of this House. I shall make only a few observations. The Honourable the Home Member has in his lucid statement told us the objects of this Bill, and these objects are to check terrorism, Communism, Civil Disobedience and communal unrest. Before I show this House the necessity for this legislation, I will deal with the various objections that have been raised in this House against this measure. I request Honourable Members to consider this measure on its merits. Face the facts as they are, and don't be led away by prejudices or fancies.

Now, Sir, I shall first deal with the objection that was raised by the Opposition, including my friend, Mr. Gauba, whom I don't see here. He said there was no necessity for emergency laws, because we can deal with all these by the ordinary laws. I may remind the House that this is an emergency measure. When the Government find that this cannot deal with some of these evils by the ordinary law, when they find that they cannot adequately and effectively deal with some of the activities or movements which are not covered by any of the existing laws, this must bring forward a measure which can effectively deal with all these evils, and, therefore, they have brought forward this Bill. Take, for instance, terrorism. No doubt, it can be dealt with by the ordinary law, but what has been the result? In most cases, we cannot get evidence. When witnesses come forward to give evidence, what is their fate? They are shot down. Therefore, Sir, special measures are necessary to deal with evils like terrorism. My friend, Mr. Gauba, said that he would not be satisfied till Government had made out a strong case in justification of this measure and proved that terrorism was rampant. I will draw his attention to the debate in this Assembly last March in Delhi, when the Honourable the Leader of the House quoted a catalogue of cases which were the reports of judicial proceedings of Courts and proved that terrorism was rampant, and if my friend likes it, I will make a present of those proceedings to him. Sir, even when Government have these emergency powers, there are the terrorist crimes committed, and the Honourable the Leader of the House had quoted a number of cases that had occurred from 1930, 1931, 1932, 1933, 1934, 1935 and 1936....

Mr. T. S. Avinashilingam Chettiar (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Not 1935 or 1936. 1936 has yet to come. (Loud Laughter from Opposition Benches.)

Sir Ghulam Hussain Hidayatallah : Sir, I am used to these laughs. When things are unpalatable, you can only laugh. I am quite used to these laughs for the last 14 years. I am used to laughs even at my home, because I have four noisy boys who create laughter.... (Interruptions.)

Pandit Nilakantha Das (Orissa Division : Non Muhammadan) : Why do you always speak unpalatable things then?

Sir Ghulam Hussain Hidayatallah : I have very good experience. You never listen to reason. Whenever truth is told to you, you never listen. Everybody must have patience to hear the other side. Afterwards, you may decide the case as you like. I do not like interruptions. Otherwise, I will every time interrupt you, it is hardly fair to a speaker to interrupt him incessantly.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can go on. The Chair hopes Honourable Members will not interrupt him.

Sir Ghulam Hussain Hidayatallah : Otherwise I will also adopt the same tactics. I now come to picketing. On that point I join issue with my Honourable friend, Mr Satyamurti, that it is an offence under the Indian Penal Code.

Mr. S Satyamurti : On a point of personal explanation, Sir. I said picketing carried on by unlawful or illegal means is an offence under the ordinary criminal law of the land

Sir Ghulam Hussain Hidayatallah : Not picketing by itself. That is my point. And I may tell my Honourable friend, Mr. Gauba, that had he been, as we were, in the thick of the fight in Bombay when there was Civil Disobedience, he would have found in every street and in every market picketing, boycotting and nothing else

Mr K L. Gauba : That is an old story now.

Sir Ghulam Hussain Hidayatallah : They have suspended it, the Honourable Member should realise they may revive that movement any time. (Interruptions.) I object to all these interruptions.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member does not like to be interrupted, and the Chair hopes that Honourable Members on the Opposition Benches will give him a chance to speak without being interrupted.

Sir Ghulam Hussain Hidayatallah : They are talking of the liberty of speech, the liberty of the citizen. Is this not restraining the liberty of speech ? As regards picketing almost all the commercial associations in the City of Bombay, I am speaking from memory, were tired of this picketing. They actually made representations to the Government of Bombay to tighten the law in regard to picketing. I am sorry I do not find my Honourable friends from Bombay.

Some Honourable Members : Here we are, half a dozen are here

Sir Ghulam Hussain Hidayatallah : Those who made those representations I mean. How can you know of those representations when they were against you ? Those representations were made, I am speaking from memory, by the Millowners' Association and several other commercial associations.

An Honourable Member : Mainly European.

Sir Ghulam Hussain Hidayatallah : Indians also. And when Government want to make picketing an offence, my Honourable friends oppose it. Suppose picketing is an offence under the ordinary law, it will not serve the purpose unless, as provided in the Bill, it is made cognisable and non-bailable. Whenever any person has protested against picketing, what has been his fate ? The picketers redouble their efforts to harass him, and they make his life miserable by picketing, by social boycott and other means. Therefore, the object will not be served unless the picketer is at once arrested and is not released on bail. If he is released on bail he will start picketing again and the very object will be frustrated. My Honourable friend, Mr Satyamurti, says that section 7 will be directed

against temperance and swadeshi movements. I may assure him, if he reads the section carefully, he will find that if those movements are carried on peacefully by mere speeches, by persuasion, by distributing leaflets, they will not come under this section at all. My reading of that section is, that intention to coerce followed by overt acts will be an offence. Therefore, the legitimate activities of temperance and Swadeshi movements cannot be covered by this section.

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadan Rural) : They have been covered.

Sir Ghulam Hussain Hidayatallah : I do not know.

Mr. Mohan Lal Saksena : I was convicted.

Sir Ghulam Hussain Hidayatallah : Another point that was made by the Opposition was that public opinion has not supported this Bill. May I ask the opponents of this Bill, have they produced any evidence that any public association has opposed this Bill ?

An Honourable Member : Every association.

Sir Ghulam Hussain Hidayatallah : Where are they ? What are they ? Who are their leaders ? I have not received any complaint. What is public opinion ? Are not the members of local Legislatures representatives of public opinion ? Have they not passed three years ago supplementary legislation to this legislation, and I assure this House that even supplementary legislation with regard to this present Bill will be passed in all the provinces. They are the representatives of the people. (Interruption.) You may say the press is against these provisions, but I may tell the House that the opinion of the press is divided, the sober and moderate press is in favour of the measure, only the extremist section is afraid of being affected by this Bill.

Mr. S. Satyamurti : May I know which Indian newspaper has supported this Bill ?

Sir Ghulam Hussain Hidayatallah : (Interruptions.) We have two Hindu Associations—the Hindu Mahasabha, and the Sind Hindu Association. What is their programme for the new Assembly of Sind ? They say they will oppose the activities of the Congress. Openly they have declared in the press, and I challenge anybody to contradict it.

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : They have not done so yet.

Sir Ghulam Hussain Hidayatallah : But I know they have done so. Then, the Muhammadans are against these subversive activities, and they form three-fourths of the population of Sind. So, I have popular support at my back in what I say.

An Honourable Member : What is the percentage of people behind you ?

Sir Ghulam Hussain Hidayatallah : The whole of Sind. I represent the Hindu and Muhammadan Zamindars and Jagirdars of Sind, those who have a stake in the country, and some of them have 15,000 to 20,000 tenants. (Interruption.) The other argument that I heard against this Bill is that it will interfere with the liberty of the citizens. It has been replied to, that every law to a certain extent interferes with the liberty

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of the citizen. Is not picketing and boycotting interference with the liberty of the people ? What is this measure going to do ? Restoring the liberty of those whose liberty has been restrained by picketing and by boycotting. It will only restrain the liberty of those who wish to restrain the liberty of the ordinary citizen.

Now, Sir, the question was whether this legislation should be made permanent or not. The Honourable the Home Member gave very cogent reasons on that subject. When we have temporary legislation we raise hopes in the minds of people that it will expire and those affected by the legislation will think of renewing their activities. In the meantime, they organise themselves. My friend, Mr. Satyamurti, said that the Congress is not going to withdraw the Civil Disobedience Movement and that confirmed my belief that they want to resort again to their picketing, disobedience and boycott. Therefore, I am convinced that the measure should be made permanent. It seems from their attitude that they will not work the reforms but wreck them, and how can they do it if these emergency laws are on the Statute-book. They do not want the new Ministers should have this additional weapon in their armoury to deal with them. Now, Sir, as regards the temporary legislation, I may quote a case cited by the Leader of the House. He says :

“ I would ask Members of this House to realise the fact that this apparent quiescence for four years did not mean that if pressure were relaxed there was not going to be any further trouble. In this trial, letters written by or to some of these six defenens or six leaders, whatever one might like to call them, were exhibited, from which it appears that one was actually writing to the others that now that the Ordinance has dropped and we are not being watched by the police, this is the time for us to prepare.”

So, Sir, those who oppose this Bill are afraid that if this Act is made permanent, they will have no time for preparation.

Now, I come to terrorism. Is it still in existence or is it dead ? The Honourable the Leader of the House had quoted a number of cases. I shall not waste the time of the House by repeating them. Terrorism is still in existence in spite of these laws and but for these laws, it would have been still worse. When terrorism exists, are we not justified in legislating this measure ?

I now come to Communism. It is also making rapid strides. The Honourable Members who belong to the Congress know that there is a Communist party in the Congress also but their platform is quite different. I think the day is not far distant when they will capture the Congress and my friends will be a back number. Now, I will quote the reply of the Honourable the Home Member to a question on the 14th August, 1934, by Mr. Gaya Prasad Singh :

“ In its draft platform of action the communist party of India has, amongst others, laid down the following :

- (1) The complete independence of India by the violent overthrow of British rule, (2) the cancellation of all debts, (3) the abolition of the Indian States, (4) the creation of an Indian Federal Workers and Peasant Soviet Republic, (5) the confiscation without compensation of all the lands, forest and other property of landlords, Ruling Princes, Churches, British Government officials and money-lenders and handing them over for the use of the toiling peasantry.

The more important of the stated methods by which the communist party propose to achieve these ends are (1) to develop a general strike and convert into a general

political strike, (2) to develop a spontaneous peasant movement for the non-payment of rent, debts and taxes into an all-India movement directed into channels of agrarian revolution, and (3) to spread revolutionary propaganda among soldiers and police and to explain to them the necessity of their armed insurrection together with the masses of the country, against British rule."

Now, Sir, how can any Government satisfy the communist unless they abdicate? When such a movement exists, is not Government justified in having this emergency Bill?

Now, I come to communal strife. We must all admit to our shame and humiliation that we have not been able to compose our differences. It is no use throwing the blame on the third party.

An Honourable Member : So long as jobs are there.

Sir Ghulam Hussain Hidayatallah : I have heard the leaders of the Hindu community say "Hindustan is for the Hindus". I did not want to say this, but you are compelling me to speak about it. Those feelings are there. I think, on that matter, the less said the better.

Now, I come to the Civil Disobedience Movement. Had it been withdrawn, there was a case to ask Government to drop certain sections which might be directed against that. What is the past history of the Congress? It might be non-violent in theory but, in practice, I will show you what they have been doing. What is picketing? By boycott and picketing they have sought to destroy the whole trade, commerce and industry of the City of Bombay. Now, Sir, what have they been doing in regard to the various murders committed by the terrorists? What resolutions have they been passing? They have been passing resolutions condemning the murders, but praising the murderers. (Hear, hear) What have they said of the various murderers? They have eulogized them for their patriotism, for their heroism, and have held them up as martyrs for the country. What is the effect of such resolutions on the impressionable minds of young students? Well, the student will say it is a good thing to be a martyr, to sacrifice one's life for the country. What has the greatest man of India, Mahatma Gandhi, said about these resolutions? He calls them a form of self-deception; he says, these resolutions are against the principles of non-violence. I think there cannot be a greater authority than the Mahatma who has condemned these resolutions of the Congress.

An Honourable Member : Do you follow him?

Sir Ghulam Hussain Hidayatallah : Well, wherever his theories are not destructive. (Laughter.)

An Honourable Member : The Deputy Mahatma!

Sir Ghulam Hussain Hidayatallah : Sir, I will not waste the time of this Honourable House by quoting various cases that were already quoted at one of the meetings of the last Assembly by the Honourable the Leader of the House, showing the connection of some of the members and office-bearers of the Congress with the terrorist movement.

Now, Sir, I come to deal with the various clauses. Objection was taken first to clause 5. Sir, the object of clause 5 is this. Under the Criminal Law Amendment Act the executive Government has the power of proscribing any publication whether it be a book, newspaper or anything else. Now they have under that Act that power already. They are not seeking that power now. They want to make penal the republication

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under this clause. If the Government have the power to proscribe, and they have no power to punish re-publication that power is not effective. Therefore they are seeking this power. Already the Legislature has given the executive the power of proscribing. We should not mis-interpret this clause 5. Then, Sir, clause 7 only punishes "whoever with intent to cause any person to abstain from doing or to do any act which such person has a right to do or to abstain from doing, obstructs or uses violence to or intimidates such person or member of his family or person in his employ, etc., etc."—swadeshi or temperance movement will not be affected by this clause. Again to clause 11, Sir, some objection was raised. Under the Criminal Law Amendment Act Government has already the power of declaring any association illegal, that is, the executive is already armed with that power, but the further power that they want is to take possession of the place where these subversive activities are being carried on and to confiscate the moveable property and all the funds with which those activities are carried on. So the executive has already the power; but to make that power effective, these clauses are added. Sir, I do not want to say anything about the Press. It has been dealt with very ably by our new recruit to this Assembly, my Honourable friend, Mr. Griffiths, from Midnapore, the hot-bed of terrorists (Hear, hear): and I must congratulate him on his very able maiden speech, and on the excellent way in which he has placed the case. (Loud and Prolonged Cheers.) With these remarks, Sir, I support the motion.

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Sir, I had no mind to intervene in this debate at this stage. As a matter of fact, I had requested the Honourable the Home Member yesterday to supply me with a proof copy of his speech so that I might be able to refer to it and not rely upon my memory alone. I had planned, Sir, that I would speak on the third or the fourth day of the debate, after having enjoyed the privilege of having listened to the speeches of all the supporters of the Bill and after having heard all that could be urged in favour of this Bill. But, as we know, Sir, in this world of ours, man is a mere creature of circumstances. He proposes, God disposes, and so, in spite of me, the speech of the Honourable Member from Midnapore has driven me to my feet. But, before I take up his speech, I, with your permission, Sir, would like to publicly congratulate him on his very admirable maiden performance. (Loud Applause.) His zeal, his earnestness and the manner in which he defended this outrageously indefensible Bill, in spite of the fact that his was a hostile speech, has won our admiration. I hope, Sir, that in the near future he will one day be sitting on the Front Treasury Benches. (Hear, hear),—for I think these are the essential qualifications which are necessary for the officials of the Front Treasury Benches. So far as he is concerned, Sir, I can only say that his zeal, his earnestness, his great powers of expression were worthy of a better cause. (Hear, hear.)

Coming to his speech, Sir, I must say that his was the outlook of an administrator: he looked at the matter solely from the point of view of a magistrate, and it was only natural for him to overlook the point of view of those who have to suffer the rigours of this lawless law. This Bill is a negation of all laws, and, by one stroke of the pen, it deprives us of even the elementary rights of a man. Sir, I have been a journalist for the last

25 years and more. A magistrate does not and cannot know what we have to suffer from. He cannot even imagine all that. It is only we, poor editors, who know where the shoe pinches, how and where it hurts and how it draws the blood from our bare bodies. I wish I had the ease and the advocacy of the Honourable the Leader of the Opposition. I wish I had the debating skill, the power of repartee and the fluency of my Honourable friend, Mr. Satyamurti. I wish that, for pleading this cause of mine, I had the analytical power of the Leader of my Party, the Honourable Mr. Aney, and I wish I had the choice of language and diction of my Honourable friend, Sir Girja Shankar Bajpai. Sir, I know, I can demolish every argument that has been advanced by the supporters of the Bill. Truth is on my side, justice is on my side, and mine is the cause of righteousness, the defence of the God-given gift of freedom of expression. This tongue would be a useless thing if it did not exert itself in defence of its own birth right. I do not, Sir, remember exactly the name of the person who said it, but it has been said by a great thinker that all the evils of this world would have disappeared had not the man gagged the babbling child from saying his innermost thoughts. This was said in by-gone ages. In our own day, Sir, a great writer, a great thinker, has said that :

“ The man whose tongue is constricted by laws or taboos against free speech, whose pen is constricted by the censorship, whose loves are constricted by an ethic which considers jealousy a better thing than affection, whose childhood has been imprisoned in a code of manners and whose youth has been drilled in a cruel orthodoxy, will feel against the world that hampers him the same rage that is felt by the infant whose arms and legs are held motionless.”

The author of these lines is no less than Bertrand Russell, an illustrious countryman of the Honourable the Home Member.
3 P.M. ber. I leave this point here. I will not argue it. It can take care of itself.

SIR, the House had had a glimpse into the life of an administrator through the eyes of the Honourable Member from Midnapore. I beg you, Sir, just to have a glimpse into the life of a poor editor who has to look after the management of the press, the editing of the paper, and also to beg, borrow or steal and find money for the press to make both ends meet. The Honourable Member from Midnapore narrated his own experiences, and I will, with your permission, Sir, narrate mine. My troubles began soon after the Press Act was passed in 1910. Fortunately or unfortunately, I claim a smattering knowledge of international politics and affairs. About the year 1912-13, I began a series of articles in my paper *Abhyudaya*, the title of which was *Sansar-Sankat* or the “ World Crisis ”. In this series I forecasted a world war in the near future. I said, Sir, that England and Germany would fight, that England was itching for a war to annihilate Germany and that Germany was dying to strangle the throat of England. I do not exactly remember at this late date what exactly I had written. But whatever I wrote was the precursor of troubles. I began to be sent for by the magistrates of my town and received warnings and advices. When the war began, I perhaps wrote that if only Sir Edward Grey, may his soul rest in peace, had spoken out his mind and had told Germany that he would make a drastic jump in, there would have been no war and no bloodshed. This was more than the little Mughal could bear, and I was again sent for to be reprimanded, advised and cajoled. The greatest trouble began, Sir, when I advocated the

[Paudit Krishna Kant Malaviya.]

cause of Turkey. I am not praising myself, but if the files of the Indian newspapers were to be ransacked, it will be proved that the *Abhyudaya* was, if not the first, the second paper in the country to raise its feeble voice in defence of Turkey. The late lamented Maulana Muhammad Ali of sacred memory, with his big brother, was in internment, and those who were free would not come forward and do something for Turkey. I remember to have gone in vain from door to door begging my Mussalman friends to agree to be, conveners of a public meeting to raise a voice in favour of Turkey. But, by this time, a new Mughal had come to my district, and one of his first acts was to send for me and ask me as to why should I, a Hindu, raise a cry like this when the Mussalmans themselves did not much care. I gave the reply that I would raise a cry on behalf of any country, even England, if I find that England was stained against and the blood of humanity was going to be shed. The history of such magisterial invitations will be a voluminous document, and I, therefore, will not refer to all of them, but will describe only one of them. I wrote something about Zanzibar, Africa or the Gold Coast of Africa. I was sent for, and a discussion about Africa in general began. I would not yield and the little Nawab was a short-tempered man. He was a very good man otherwise, and I never had an occasion to have any complaint against him. To cut short the story, our voices became louder, we got excited and it was not unlikely that we might have come to blows or have thrown our chairs at each other's heads but for the providential appearance of the lady of the house who took her husband away for tea and thus the interview ended abruptly. The Honourable Member from Midnapore asked whether the Government should allow every Tom, Dick and Harry to seduce innocent youths for terrorist purposes. I wish to ask him, in all humility, through you, Sir, whether it is right and proper that every Tom, Dick and Harry, who does not see beyond his nose and who knows precious little, should have the power to send for us, tender us unsolicited and gratis advice and tell us what is right, what is wrong, what is proper and what is improper. I know, Sir, these Mughals know precious little.

Mr. Muhammad Yamin Khan (Agra Division : Muhammadan Rural) : Why not say "Brahmins"?

Pandit Krishna Kant Malaviya : I do not fight shy of that word but my difficulty is that Brahmins were poor and were never Kings. Well, Sir, these good friends have no time to study and they have not got up-to-date knowledge of anything. I ask, Sir, through you, my Honourable friend, whether invitations and curtain lectures like these hurt or do not hurt our sense of self-respect, whether all this is not an insult to our intelligence and whether the treatment accorded to us is not galling to the extreme. I want to know from the Honourable the Home Member as to what is going on in Bengal today. I crave the indulgence of this House to read a few extracts from an admirable welcome address by Sreejuti Mrinala Kanti Bose, the talented editor of the *Amrita Bazar Patrika*, the address which he delivered as the Chairman of the Reception Committee of the all-India Journalist Conference. Under the heading "Operation of laws", he says :

"A sum of Rs. 23,200 was provided in the budget and the officer was appointed in 1930. Since then we, in Bengal, particularly those of the Calcutta Press, are being advised by successive Press Officers who have all belonged to what has been

described as the heaven born service, that is the Indian Civil Service. I do not know what your idea about the advice is. We, particularly those among us who are supposed to have long passed the age of *adolescence* in our mutual relations generally speaking, resent advice that is given gratis or unsolicited. But in this particular case, the Press officer's advice is more often than not given not only gratis but unsolicited. It is not permissible for me to state all that I have come to know of what happens behind the purdah and were I to attempt to do it, you will feel no doubt considerably interested, and I shall run the risk of being hauled up for libel, for though the Indian Journalists Association, instructed practically by all the leading journalists of Calcutta who have the privilege of being constantly advised by the Press officers, requested the latter to give his advice in writing, that request has always been turned down and the officer has chosen to follow the well-known maxim, 'say a hundred things, but do not commit anything to writing'. Thus, the advice is either given on the phone or the Editor is summoned to the office of the Press Officer in the Writers' Buildings where explanations are called for and advice given with varying degrees of earnestness, the precise difficulty of which I shall refrain from saying for the reason just stated. In the course of a note circulated to the Members of the local Legislative Council, and a copy of it was also supplied to the Government, the Indian Journalists Association thus described the *modus operandi* of the Press Officer's direction given almost from day to day. Here they are:

- (1) News that is allowed to be published in the papers of all-India circulation in other provinces is not allowed to be published in Bengal newspapers of similar circulation. It has sometimes happened that provincial newspapers that are sold in Calcutta contain news that the Bengal papers had not been allowed to publish.
- (2) Correct and authenticated news of a particular kind is not allowed to be published and when allowed is mutilated in such a manner as to make the news more misleading.
- (3) Display of news of a certain character is not allowed.
- (4) Detailed directions are given as to the printing types that are to be used in the headings and body of the news and for the exclusion of certain expressions such as arrest of ladies and Muslims from the headings of news.
- (5) Double column headlines of certain news are not allowed.
- (6) Detailed directions are given as to the arrangement and position of columns of news.
- (7) Proceedings of the Indian Legislative Assembly'',

—I want the House to please note this,—

- “ and of the Bengal Legislative Council are not allowed to be published in full, but are censored.
- (8) Proceedings in law courts of Civil Disobedience cases and of cases involving terrorism are not allowed to be published in full, but in mutilated form and as in the case of the statement of Miss Bina Das accused in the Governor shooting case, the *Statesman* was allowed to publish passages in that statement in regard to which strict directions were given to Indian daily newspapers that they were not to publish them.
- (9) Legitimate criticism of policies and of action of Government and Government officials are even objected to.”

Well, Sir, this is how the Press officers act and how the editors of journals have to suffer under the rigours of the law which is being promulgated. Now, coming back to my own story, in 1915 or thereabouts, the keeper and proprietor of the *Abhyudaya* Press was called upon to deposit a security. The editor who was responsible for writing was not asked, the printer and publisher were not asked, but the proprietor was asked, who knew precious little, of what I was writing. My only fault was that I had written something regarding the soldiers in the Gold Coast of Africa and their treatment by their masters. By a long stretch of imagination, it was argued that I was telling the Indian soldiers that they were not well off, nor well paid, nor well treated by their masters.

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in India. I stopped the paper, because I regarded the demand of security as an insult and as an attack upon my personality. A great hue and cry was raised in the country, and, as my good fortune would have it, Lord Hardinge, the good, was then ruling as the Viceroy. He intervened, and I think, for the first and the last time in the history of the Press Act, an order for the deposit of security was withdrawn. In my life, Sir, I have been twice hauled up in the name of sedition, under section 124-A, the prince of repressive laws. Once, while I was in jail and undergoing a sentence of nine months on account of the Civil Disobedience Movement, sometime back a poem had appeared in my paper. Generally I write the editorials and do not see what else is being published in the paper. A poem, a very old one, which was culled out by some one in the office from a book which was selling in the market, appeared in my paper. The trying magistrate gave me another nine months, but he was good enough to write in his judgment that the creed of the paper was non-violence, that in that very issue there was enough evidence to show that non-violence was urged and preached, or some such thing. I was in jail and cannot be sure, but when the matter reached the High Court, a Lordship there came to the conclusion that violence was preached. The trying magistrate was an Indian; he is a good poet himself. He knew the language and arrived at his conclusions by reading the paper himself. But this mighty Judge of the High Court, who was innocent of my language, opined that violence was preached and thus I had to suffer for his ignorance of my language. Once, while I was in jail, Sir, the police pounced upon my press and searched it. The suspicion was that the leaflet which was thrown in this Assembly together with the bomb by Bhagat Singh was printed at my press. Perhaps the Honourable Member is not aware of the fact that in every press there are some police informers and spies. One of the compositors, who was a spy and had been in my press for only a few months, gave the information that he had composed the matter himself. Fortunately for us, the authorities in Allahabad know us well. They know full well that we are as far removed from violence and things of this sort as the Home Member himself. They made inquiries and were convinced that the alleged types in which the leaflet was said to have been printed were received by us only a few months before from the Bombay Gujrati Type Foundry, that Bhagat Singh's (may his soul rest in peace!) leaflet was thrown in the Assembly years before, and so nothing was heard of the affair. A security was demanded at this time or a little before it, and it was only due to the goodness of a few friends of mine that the paper could deposit the security. I had no money and would not have been able to deposit the security.

The Honourable Member thinks that the deposit of security is an easy matter. He does not know our condition. He talks glibly, only because he does not know. May I tell him, Sir, that we are always running into debts? That we can hardly manage to make both ends meet? Speaking for myself, I resent such treatment at the hands of the executive. I know I am an honest man, I will never injure a fly, I will not lie and I will not prevaricate. I will not compromise with truth. I will never disgrace the editorial chair by writing something which I know to be untrue, but Government now compel us to fight shy of naked truths and have recourse to half truths and all that. I feel, Sir, that that editor is not worth his salt who, for the favours of Government or for his own selfish

ends or for saving his skin, writes matter which he knows to be untrue or says things which he knows ought not to be said in the best interests of the country. The editor, according to me, Sir, is the preceptor, the *guru*, he is for the time being above Kings and should only sit on the chair if he is confident that he will be impartial, will say nothing which is untrue or which is not in the best interests of mankind. The Press Act wants us to be dishonest, it wants us to stifle truth, to curb our own thoughts and to be more careful, lest, by blurting out the naked truth, we might become His Majesty's permanent guests. I have at times differed from Mahatmaji. I have differed, at times, from my own uncle, I have differed from the Congress, I have always differed from the Government. But when I differ from my own people, these rulers of ours are happy, but when I criticise them, they think I am committing a crime. I tell you, Sir, that the Press Act has made it impossible for any man to be an honest journalist. To secure safety, one must pass over so many things that happen every day. I will give you an instance. As soon as some security from a paper was demanded in the name of Quetta, I wrote in my paper that the name of Quetta need no more be mentioned in my paper. I also requested my other brother journalists to forget for the time being that there is any such place in this country which is known by the name of Quetta. During the periods of the Civil Disobedience Campaign, I have a standing rule not to publish any editorials, "we" disappears for the time being, only news are published. We would be hauled up every minute, if we were to write what we feel or what we see or know. I ask my Honourable friends here whether they have read in any papers that are being published in this country anything written about Chittagong, about Midnapore, about Dacca and all that has been going on there. This is how things are being suppressed. I will not take up this question; I leave it to my Bengal friends to tell you, Sir, what Black and Tan methods have been tried in those parts of our country. I want to know, why cannot the members of the executive regard us as honest men? Why cannot they trust us? Have we no love for our country? Are we not patriots? Are we not competent enough to be good judges of what is best for our country? Do they think that we will mislead our own youths? What for and why? Are they not our own children? Are they not of the same blood? Have we no feelings for them? Do not we want to better their lot? The Britishers are entitled and justified in taking away their youths from their own universities to fight an unrighteous war in the name of Belgium, but we are not entitled to ask our youths to join us in a non-violent civil fight with these Masters of ours for just securing to us our human rights. One thing in this connection is noteworthy. We who preach these things do not take cover behind the lines; we who preach these things are always in the front.

The Honourable Member from Midnapore said that it was the bounden duty of Government to protect the youths of this country from falling into the hands of terrorists. But he forgets that the duty of Government neither begins nor ends there. May I know, if it is or it is not the duty of the Government to see that these youths have enough to maintain their bodies and souls together? Is it or is it not the duty of this Government to see that these youths are employed? Has it made any arrangement to see that these youths should have sufficient clothing and food and a roof to give them shelter? He talks as if he cares more for the good of these young men than we. He tries to befool us by posing as their benefactor

[Pandit Krishna Kanti Malaviya.]

and tries to lead us to believe that he is more anxious for the well-being of our youths. We have a proverb which says, Sir, that a woman who says that she loves a child more than its mother is not a woman but a she-demon. I wish to draw the attention of the Honourable Member to what is being done in other countries by their Governments to fight unemployment. What about the doles in England? What about the schemes that are every day being thought of in America? Will the Honourable Member from Midnapore or the Honourable the Home Member tell us, Sir, what their Government have done or are doing to help these educated unemployment young men except driving them to despair, suicides and terrorism? He has talked of terrorists and the Honourable the Home Member has dilated upon three menaces. May I tell him that they are not three menaces, they are only the triplets born of foreign domination? They are the products of their own creation: by their repressive policy and for their own ends they have given birth to them. They are driving our young men to despair, so much so that they take their lives in their own hands and prefer death to this life. Do the Government realize, Sir, that the repression has reached to such heights that it has goaded even our young sisters and daughters to bid goodbye to their ordained lives and join the fray, the end of which cannot but be death and the gallows? Have they ever considered that these terrorists will disappear if the repression was not there? If they had employment to keep them busy and engaged, if they could act up to their ideals and realise their ambitions in life here, these terrorists will become the most responsible members of our society. If we had our own Government, every one of these youths would have risen high both in the civil and military service of our motherland. Those who were in Chittagong, those misguided youths of our country, if they only had been in the army and responsible members of society could have very well led an army and fought on any battle-field with honour and success. You deny them opportunities, you want them to remain hewers of wood and drawers of water in their own land; you do nothing to provide them with a living wage; you do not trust them; you would not make them captains and generals in the Army and the Navy for which they are most fitted, you will take thousands of years to Indianise our Army and, in the meantime, the flowers of our race, our hopes of the future, are withering and dying an unnatural death.

Let those who have eyes to see note that terrorism, communalism and Communism are all fruits of the economic situation—and some of them have been directly fostered by our Masters. Do we not know how communalism is spread, how it has been planted in our own land? Do we not know the history of separate electorates? Do we not know the history of the Communal Award? Does it lie in their mouth, Sir, to talk of communalism?

We are being warned further and a bogey is being set up before us of Communism. May I know if there are not Communists in England? May I know what the British Government is going to do with them or has so far done to them? May I know if the British Government has passed laws like the one which this Government is going to pass in this country? My friend here reminds me, that England has now entered into a treaty with Russia. Why and wherefore then this talk of Communism? But assuming for argument's sake that Communism is a bad thing, I hold no

brief for it, may I know whether democracy has succeeded or whether democracy has failed in Europe ? Will any Honourable Member kindly point out to me whether there is democracy in France, whether there is democracy in Italy, whether there is democracy in Germany, whether there is democracy in Turkey, whether there is democracy in any part of Europe to-day ? May I tell you, Sir, that in England, Parliament no doubt rules, but these Parliaments are ruled by unaudited Party Funds ? Do our Honourable Members want us to have a Fascist regime here ? Do they want us to have National Socialism here ? Then, why this bogey of Communism ? We know our men : we can sit down, talk and discuss things with them : they are our own kith and kin ; we will settle our differences or even fight amongst ourselves ; but what we are interested in, in the beginning, is to get rid of this foreign domination ; and replace it by a responsible Government, in which they also can have a share, if they want to settle here as fellow citizens, when we have got rid of a third party which magnifies our differences and makes capital out of it, then, Sir, there will be time enough to settle our own domestic quarrels and differences !

While we are talking of terrorism, I am reminded of agents provocateurs. You must have read, Sir, about them, how they induce the youth, egg them on and then give information to their masters. There are cases on record of informers planting bombs in the houses of innocent people and implicating them. I will tell you of cases of which I have personal knowledge or just as good as personal knowledge. One agent provocateur seduced a young boy, and, after some time, gave him a revolver and taught him how to use it. The boy began to move about with the revolver in his pocket and a few days after he began to be shadowed by the police. After all, he was young ; he got terrified and ran to a brother journalist friend of mine and told him his trouble. My friend reprimanded him and asked him to go and deliver the revolver back to the man who gave it to him, and, after he had done that, he took him in his care and saved him from future gallows. I want to inform the Honourable the Home Member that this very same revolver was found in the Lahore Conspiracy case. The Honourable Member should also know that this very journalist friend of mine, a most selfless worker, the honour and pride of our profession, who is unfortunately no more, was no other than Ganesh Shankar Vidyarthi, the man who worked hard in hot haste that the attempt on Lord Irwin should be foiled. As soon as he somehow got the information he used his personal influence to see that the attempt should not be made. The Honourable Member from Midnapore has nothing but curses for us journalists. I want to tell him that but for us journalists I do not know where this ruthless exploitation of our country and these repressive laws will drive our young men and what will happen in this country.

I will tell you another story. A young man came to me not long ago at dead of night and told me that he was in trouble and wanted my help and advice : he told me that he was a revolutionary that he was being hunted down by the police, that he hid himself in the day and moved about by night, was constantly moving to avoid arrest and never lived in a place for more than a few hours, that he had been asked to attempt the life of so and so on such and such a date, but that he was nervous : he had spent all the money he had in moving about and hiding himself, that he was hungry and badly in need of money. I saw his weapons with my own eyes. he had two of them. I gave him food, gave him money after I had extracted a solemn promise from him that he would desist from the

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path, and instead of proceeding to the appointed place he will go back to his mother and leave his friends who were training him in these ways and leading him astray. He promised with tears in his eyes and went away. If he was a police spy and had been sent to find out my views, the Honourable the Home Member must be aware of this by now, but if he was a genuine misguided revolutionary, I know that he acted up to the promise he gave me as a gentleman. I might, here, as well, refer to the much-maligned admiration of terrorists. I myself plead guilty to the charge; and say, Sir, that one would be less or more than human who would not at times be led away to admire uncommon deeds of self-sacrifice and valour although one may be religiously observing non-violence as a creed, as a supreme faith of life and although temperamentally one may even shudder at the thought of murder or violence. Does the Honourable Member from Midnapore or the Honourable the Home Member know who paid the highest tribute to Kanai Lal Dutt, the man who shot the informer Gossain in the Alipore Jail? May I tell you, Sir, that the man who could not resist admiring was a perfectly honest and most trusted *pucca* Englishman, a cent per cent Britisher, I mean the editor of the *Pioneer*. Our difficulty is this....

The Honourable Sir Henry Craik : The editor of the *Pioneer*? Was it Mr. Wilson? What was his name?

Pandit Krishna Kant Malaviya : I don't remember his name, it is an old story of the year 1908 or thereabout. I think it was Mr. Chesney. I am not speaking of the *Pioneer* of today. I am speaking of the *Pioneer* as it was conducted some years ago, when every single editorial was written by the best I. C. S. people in the land. I am talking of the *Pioneer* when it was at the top of its glory, when it was regarded as the best paper in India. This honest English gentleman, I mean the editor of the *Pioneer*, could not be suspected, he was above suspicion and nobody could dare misunderstand or put a different meaning on his writings but we are suspects, and whatever we may do or say, we will remain suspects, and our ordinary writings will be made to bear meanings which they should not. I will only narrate one case more, that of poor Azad. He is no more. May his soul rest in peace. But may I say, Sir....

The Honourable Sir Henry Craik : Is he another murderer too?

Pandit Krishna Kant Malaviya : You may call him a murderer, if you so choose. I am only pleading for those who are not here to defend themselves, but please first hear what I have got to say.

The Honourable Sir Henry Craik : Is he also another murderer?

Pandit Krishna Kant Malaviya : I am speaking of Azad.

The Honourable Sir Henry Craik : Also another murderer?

Pandit Krishna Kant Malaviya : If you are so anxious and curious to know about him, I shall tell you presently what I have heard about him. I say, Sir, that we Indians could have slept soundly, without caring for the defences of our country, by making him our Commander-in-Chief. A man of valour, a great organizer, a gentleman to the core of his bones, from all that I have heard of him, and one of the best shots that was ever born on this earth. I am sorry I never met him in life, but I want to tell you, Sir, that this Azad was persuaded by some people to give up terrorism.

He had agreed to do so, but the difficulty was that the police was hunting him down ; he would have been arrested, even if he had given up his way of life, and had honestly decided to live like us. If he had been caught, he would have been either transported or hanged. If we were trusted by the Government, if we were in their confidence, I could have gone to the Honourable the Home Member and told him that henceforth this youngman is in my charge, I am responsible for him ; he has given up the life of terrorism, so do not molest him any more, if you find him deviating from the right path, just drop a hint to me, do not harass him, let him settle down in life. This is what I would have told the Home Member. The life of this young man would have been saved, he would have lived a useful life and adorned any place, wherever he may have been, but this is not possible. We ourselves are suspects, what then about those who are recommended by us ? Well, Sir, I heard that Azad had agreed to change his mode of life, and because it was not possible for him to live in safety in this country, some friends decided that he should leave the country and go and settle down somewhere else in a distant place like Japan or America or anywhere else. Where was the money to come from ? Some friends agreed to raise the money, and they raised about Rs. 1,500 or Rs. 1,600 for him. He was paid about Rs. 1,300, and only about Rs. 300 was wanting, and he was sitting in the Alfred Park in Allahabad, because someone had promised him that somebody would give him the balance there. He was sitting there to receive the money. He would have got it within 15 or 20 minutes, and he would have left Allahabad and bid India also good-bye for ever, but some one informed the police, and he was all of a sudden surrounded on all sides unawares. He had no knowledge and he was shot at and maimed, because the police knew him to be the best shot, and no one would approach him even from a distance of say 100 yards. He was shot while he was sitting under a tree talking to some friend, perhaps bidding good-bye to him for ever. He was maimed and lamed before he had any knowledge of the danger. What happened afterwards ? Would you care to know, Sir, he was being shot at from all sides, and he was defending himself all alone ; he could not rise, he could not run, he could not even get up. He was under a tree, in the open, and the defenders of law and order and justice were shooting at him from all sides from behind the trunks of the trees. You will be surprised to learn, Sir, that not one shot of Azad missed the mark. The marks left by the bullets on the trunks of the trees showed that every shot was correct to the point of an inch, was pointed at the heads of the shooters. Whichever side he shot, the marksmanship was perfect. Who can help pitying and admiring this misguided unfortunate youngman, a picture of physical health, in the prime of his life, if you see his photograph, but it is not the admiration... ..

The Honourable Sir Henry Craik : I can't admire him.

Pandit Krishna Kant Malaviya : Will you please bear with me for a little while ?

The Honourable Sir Henry Craik : It is very difficult to be patient.

Pandit Krishna Kant Malaviya : But, Sir, it is not admiration. We weep and shed tears for the loss of young lives of great promise. I was in jail then. What could I have done even if I had been outside ? But I want to impress upon you, Sir, that the life of this youngman could have been saved if we knew that we enjoyed the confidence of the powers that

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be, if we could only depend upon them and approach them to get pardon for the young man when he was changing his way of life.....

The Honourable Sir Henry Craik : Pardon for a murderer ?

Pandit Krishna Kant Malaviya : We could have placed him in charge of an Army.

The Honourable Sir Henry Craik : The Army does not take murderers.

Pandit Krishna Kant Malaviya : The Honourable the Home Member is getting very excited, I beg him not to bring heat in the discussion. I have to plead for those who are not here to plead for themselves, he refuses to see the tragedy of our lives, and I would, therefore, like to talk to him about another Home Member who was adorning the Front Benches in this very House. I tell him there was one Home Member,—may his soul rest in peace. (Interruption by the Honourable the Home Member.) I am sure, my friend, the Home Member, will not be proud of the expression he had used when I tell him that I am referring to no less a person than the late Sir Alexander Muddiman. I am sorry, Sir, he said something about his predecessor which he should never have said....

The Honourable Sir Henry Craik : I said nothing at all about him.

Pandit Krishna Kant Malaviya : Well, Sir, Sir Alexander Muddiman died an untimely death, his death is mourned by everybody who knew him. Sir, I was a Member of this House, I was a non-co-operator, and I never mixed with any officials, in fact I remained in this House for a pretty long time without talking to many officials. But, one day, I approached the late Sir Alexander Muddiman, with diffidence. I told him that I was interested in a bomb case prisoner who was under a sentence of transportation for life, that I had never met the man in my life, that I knew nothing about his antecedents, that I by chance happened to meet him while I was in jail, and that he might give him a chance to start his life again. May I tell you, Sir, the reply that I got from him ? He said that he hated keeping these young men in jail. He asked me whether I would be responsible for him, and on my saying yes, he said, your man will be released. He further asked me whether he should write to the Deputy Commissioner of the district to keep an eye upon him and give him a post, and on my saying that I would find him a place somewhere, orders were issued, the man was released, and this Siddique Ahmed, a God-fearing man, is in service now and is enjoying married life in peace and contentment. Government has not lost anything by this act of grace and mercy. The Honourable the Home Member and the Honourable Member from Midnapore know not our difficulties. I must have become a most dangerous suspect even now in the eyes of the Honourable the Home Member. He won't trust us. Let him trust us, let us co-operate with perfect good will and trust and every young man will give up this path of terrorism.

Mr. F. E. James (Madras : European) : May I remind my Honourable friend that the three immediate predecessors of the Member from

Midnapore, most beloved of Englishmen, who were popular with the people, have been murdered by these men ?

Pandit Krishna Kant Malaviya : My Honourable friend ought to know that I am not defending murders, I am a Brahmin, they are revolting to me, but I will give an answer to that later. Trust begets trust and I will reply to what you have said later, when I have a talk with you outside this House. As I was saying, Sir, I must have become a most dangerous suspect in the eyes of the Honourable the Home Member even now. I may be charged with association with terrorists. I may be charged with hiding and helping suspects having sympathy for them and one thousand and one other things. But very few people realise that these misguided youths are our own kith and kin, of our own blood, and our own countrymen and as you know, Sir, sons may be truants, they may be wayward children, they may be even bad, but a mother is a mother and she loves even her worst son. Who can be more interested in their welfare than ourselves ? We want them to change, but they look to us and are not fed. When they drift we have no knowledge of them, when we know them we cannot help them. Even talking to them is beset with danger. You know not where they are and they will not come to you, even if they do, you know not their inner thoughts. May I tell the Home Member, Sir, that I met a famous revolutionary in a town where I had gone to address a meeting, he was introduced to me under a false name and it is only now, after three or four years that I have come to know who he was ?

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

Does the Honourable the Home Member know that there is one sitting in this House on my side for whose arrest, alive or dead, this Government of his had announced a prize of Rs. 25,000 ? Does the Honourable the Home Member realise now how good and tame these terrorists are ? Will they even now repent for their mistakes ? Will they change their methods ? Every one of these terrorists would be an M. L. A. and sit with us here and be a most responsible member of our society, only if the police will not hunt them down, will not thirst for their blood but allow them to live in peace the moment they come back to us and solemnly give us a promise that henceforth they will be like us and will have nothing to do with terrorism. After all the terrorists also must have been fed up with the life of hide and seek and constant dangers which at the best cannot bring about much.

While talking about terrorists, I think it would not be amiss if I refer Sir, to one more matter in this connection. The one great complaint of the Honourable the Home Member and the Member from Midnapore is that why are these terrorists painted and admired as martyrs ? They want to know why these are not condemned as mere simple murderers. My reply to this is, Sir, that they are the loyal subjects of the Crown and imitate their Masters. I am afraid I will have to explain it. I will not say much. I will refer to only one unfortunate incident, and I hope the House and my Mussalman

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friends especially will pardon me for this reference. I am only referring to it as a reply to the Honourable the Home Member. I believe in "Revile not the dead" and I have nothing to say against the departed soul. Does the Honourable the Home Member remember the genesis of the Karachi firing? Was the Government very anxious not to hurt the susceptibilities of my Mussalman friends?

Sir Ghulam Hussain Hidayatallah : But you did not support us,—your Party.

Pandit Krishna Kant Malaviya : You know not what you talk. You have not heard what I have said. Were the Government anxious not to hurt the susceptibilities of my Mussalman friends? Were the Government very keen to see that the last honours were duly paid to the departed soul? Am I to understand that the Government regarded the soul departed as a martyr? What Government do in the name of placating the Mussalman friends, we do in the name of humanity, for every controversy ceases with death. I think this answer will satisfy the Honourable the Home Member.

The Honourable Sir Henry Craik : On point of order, Sir Has this anything on earth to do with the Bill under discussion?

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member appears to be in order, because he is giving some of his grounds for opposing the Bill.

Pandit Krishna Kant Malaviya : The Honourable the Member from Midnapore knows not, he professes his love for the youths of this country, he knows not what we, poor and powerless as we are, do. We have no power in our own land, we are not trusted by the Government. If we had the power, if we could only throw open opportunities in life, we would have every young man employed and engaged. The Honourable the Home Member is moving in a vicious circle. He wants to have mango fruits by planting "Babul". He forgets that as you sow, so you reap. He wants to kill and extirpate terrorism which is a bye-product of his own terrorism, by repression and more and more repression. He knows that his Government has not succeeded so far. He had had these laws for years, but they have not proved effective. He knows all this, but still he is for repression more and more. He will not learn that terrorism begets terrorism. His thirst for repression like that of wine leads him to cry for more and more. He will not change his methods, he will not learn, he will not take us into his confidence, he will not trust us. He will not believe us when we tell him that we are as anxious to extirpate terrorism as he, perhaps more because we want to save the lives of our youths. He will not give us power and say, manage your youths and make them responsible citizens. He will not give us a chance even. I want to tell him, Sir, "Trust us, have faith in us, give us power to remove poverty and unemployment. Open out fresh fields and pastures new for our young men" and then this phase of terrorism will fade away like a bad dream. Will he listen to us? Will he be good enough to follow this advice for even a few months?

My friend has talked of picketing. He says it is not peaceful and it cannot remain peaceful. I may or may not agree with the first part but with the latter part I do agree, and why? During the last Civil Disobedience Campaign picketing was going on in the market of Allahabad. Ladies of the most respectable families in Allahabad were picketing a foreign cloth shop. I was sitting at a distance. Some senior man had to remain in the market so long as these sisters and daughters of ours were there. At about noon, one man came and told me that two riff-raffs of the town had been given drinks and had been persuaded to come to the shop for purchases, create trouble and insult the ladies. I at once left my place and went and sat in a neighbouring shop. Within five or ten minutes the drunken riff-raffs arrived and can you imagine, Sir, what they did? Their first act was to rush through the chain of the pickets, abusing them and trying to molest them. I had informed the ladies. They were careful and nothing untoward could happen and the situation was saved. By this time some people assembled. Those who knew the riff-raffs, reprimanded them and they were persuaded to go back. I do not insinuate anything. I blame nobody. I can say for the authorities in Allahabad that they are very civil to us. They have never failed in showing me every courtesy. They have to carry out orders and they carry them out honestly without at the same time bidding good-bye to their good manners and civility. But I ask the Member from Midnapore and the Home Member how can we encourage the use of Swadeshi, how can we carry on a campaign of "Buy Indian goods", how can we protect our key industries? We have not the power to pass a law and protect them. We have not the power to erect high tariff walls around us or ban the imports of foreign goods. We have not these powers and the Government will not pass such laws to help us. What is left to us, then, but picketing, entreating and begging our people not to buy foreign goods or not to go in for liquorshops. If we had the power we could achieve all this by one stroke of the pen. But does the Honourable Member know how his people in England behaved when Indian fabrics were exported in large quantities to England? Those who wore them could be fined, if I mistake not, £75 and the Honourable the Home Member will, I hope, not be surprised if I tell him that ladies wearing Indian fabrics were molested and their clothes torn off in public streets.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh : Muhamadan Rural) : When and where?

Pandit Krishna Kant Malaviya : In London, during the times the East India Company was here. It is very good to sermonise and preach where your interests are not at stake, where you do not suffer and where you have to gain all and lose nothing. The truth of the matter in the words of a poet is :

" Ham áh bhi karte hain to hojáte hain badnám

Voh Kati bhi karte hain to charcha nahin hota ".

Even if we sigh, complain or criticise and say that we are suffering, we are given bad names, while when they commit murders, the news of those murders are not even allowed to be published and they are not known. I would not, Sir, pursue this line of argument **any**

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further. I would only draw your attention to what the Honourable the President said in this Assembly in 1932 when the Press Law was being passed. The Honourable the President, an Honourable Member as he then was, called it, Sir, a double-faced and deceptive measure, professing to control violent writings but really aimed at taking control of the entire Press. We know, Sir, that we are powerless, the executive is bent upon passing this Bill into a law. We can only say, let them have it, if they so choose, in spite of us. We will not share the responsibility of disfiguring the Statute-book. His Excellency the Viceroy has powers of veto, he has the powers of certification, let His Excellency certify this Bill also and bear the responsibility but, at the same time, Sir, I want to draw the attention of the Honourable the Home Member to a very wholesome principle laid down by his own colleagues in the Repressive Laws Committee Report. They said, Sir, in their report that it is undesirable that any Statutes should remain in force which are regarded with deep and genuine disapproval by a majority of the Members of the Legislatures. The Report of the Press Laws Committee is also before us. The whole question was judged by three tests (1) has it been effective (2) whether an Act like this is necessary for the maintenance of law and order (3) whether on a comparison of the advantages and disadvantages which the retention of this Act will involve, its continuance is desirable and the conclusion at which they arrived at after mature consideration was that the law should be repealed. As the Honourable the Home Member must be aware, these committees were presided over by the Right Honourable Sir Tej Bahadur Sapru and Sir William Vincent was a prominent member of these committees. I have nothing more to say. The Home Member, Sir, has not proved his case. He began as if he was going to convince us why the measure was necessary and why the ordinary law of the land was found to be insufficient. I am sorry that he began by assertions, went on with assertions and ended with assertions without proving anything or convincing us. To give this Bill the name of 'law' will be insulting and degrading the word 'law' itself. To me it seems that the best name that we can give to this gravest encroachment that any Government has ever made on the liberty of the Press and the public in times of peace should be "Sir Henry Craik's Boa Constrictor". I want the Honourable the Home Member to tell you, Sir, why this indecent haste, why this hurry to place this enactment on the Statute-book. Will Heavens fall down if the measure does not become law by December, 1935, or 1936? Will the British domination disappear if he does not arm himself with this poisonous gas, the use of which should be tabooed by all civilized Governments. I know, Sir, that constitutional reforms have always been preceded by such Press Acts. We had the Press Act in 1910 when the Montagu-Chelmsford Reforms were coming. The new Constitution has been passed into law. The executive knows that it has to be thrust upon our heads in spite of us. It knows that the new Constitution has been condemned by every shade of public opinion in this country, that there are people here who are pledged to destroy it, mend it or end it: The bureaucracy is anxious to see, Sir, that it is worked, and they want to have the points of their bayonets raised at us every minute of our lives and to be ready for all emergencies. Their Damocles' sword of this

Bill will be dangling at our heads, so that if we raise our heads even by an inch, if we want to carry on agitation for the rejection of the new Constitution they will be able to draw out blood. I, therefore, say Sir, that this Bill is unfair, unjust and has no moral sanction behind it, and I only end by saying in the words of an Urdu poet :

“ *Ham ne dekh thi ada kal tere dwano ki*
Dhajiyan kuch liye baithe the garibano ki
Aj darband kuye jate ham zindano ke
Aur bigadenge mizaj ap ke dwano ke.”

(Loud Applause.)

The Honourable Sir Henry Craik : Go on cheering. He has praised murderers !

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Mr. President, I must say that I like the Honourable the Home Member's speech better than many of the speeches that I have heard from the other side. Well, Sir, although the Home Member has left the Hall and although he has not himself observed, what he has so very much preached to this side of the House, that is, to keep dispassionate and cool, in spite of all that, I will say that I stick to what I said originally, namely, that I like his speech better than the other speeches I have heard from over there, and I will tell you why. It is for this reason that it has seemed to me to be a little less panicky, and there seemed to be a little more analysis in his speech than in the speeches I have so far heard on the other side. What did we find in Sir Ghulam Hussain Hidayatallah ? Sir, he allowed himself to be panicky and nervous and heated, and he was talking about terrorism, Communism and communalism without giving any thought to the subject.

Sir Ghulam Hussain Hidayatallah : I have given the matter better thought than you.

Dr. G. V. Deshmukh : Sir, I do feel that when the Home Member comes forward before this House in connection with a measure that was passed simply because it was a temporary measure at the time of an emergency, I do think that when it is sought to be put permanently on the Statute-book, there should be something more than the mere desire of their having more and more authority in the hands of the executive. Sir, as is well-known, the appetite grows by eating. You very well know, Sir, and those who have been old Members of the Assembly know, that when this measure first came up before this House, it was considered in its legal aspects, and when it was considered in its legal aspects, it was absolutely demonstrated that this measure violated every principle of law, that it was indeed a misnomer to call it a law, that it must be called a lawless law, that it violated the first principles of jurisprudence, that it adjudged a man guilty when by all the codes of jurisprudence a man ought to be considered innocent till he is proved to be guilty. It took away the right of appeal. It subordinated the powers of the Legislature and of the judiciary to those of the executive, and what is more, it handed over powers to the magistracy which are not given even in ordinary cases. I do not want to deal with this subject from the legal aspect. Sir, the Home Member very adroitly has avoided this aspect in introducing this Bill even though he has suggested that this temporary measure should be

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permanent. I have a shrewd guess as to why he did it. I believe he still finds that there still is that small band of fighters who fought this Bill to the last, especially the Press Emergency Bill when it was managed to be brought up at the fag end of the Session : and perhaps it may be that the Honourable the Home Member might have been frightened and dared not deal with the Bill in its legal aspects in view of the fact that the Honourable gentleman who adorns the Chair today is the Honourable Sir Abdur Rahim of that band of fighters. The Home Member has come up for the sanction of this House to the passage of this Bill on four grounds and they are these. The first ground is the Civil Disobedience Movement—and I will say it to his credit that whereas other speakers merely got panicky over Civil Disobedience, the Home Member qualified his remarks by saying that the Civil Disobedience Movement has nearly disappeared, so that it was a disappearing Civil Disobedience.

As to the second alleged ground, terrorism, the Home Member was good enough to say “reviving terrorism” ; he did not say it in the same way as other speakers have done, and he also admitted that there are some signs of “reviving terrorism” only in Northern India—I think I am rightly quoting the Home Member. Then with regard to advancing communalism—the third of the alleged grounds for this measure—we should like to know whether there are any valid grounds at all for this panicky state of things and committing us to putting a piece of legislation on the Statute-book of this country and disgracing it in this fashion. Sir, let me take Civil Disobedience first. The Honourable Member who spoke yesterday afternoon was very pleased when my colleague, Mr. Satyamurti, admitted and admitted frankly and honestly that Civil Disobedience will never be given up.

Mr. P. J. Griffiths (Bengal : Nominated Official) : I was sorry.

Dr. G. V. Deshmukh : After all, what is Civil Disobedience? Civil Disobedience is an idea, and I may assure the Honourable Member who made his speech yesterday that, whether you like it or not, Civil Disobedience has come to stay not only in India but all the world over because once an idea comes into this world, the idea is immortal. And what is Civil Disobedience? The principle of Civil Disobedience is this that when a helpless people has to deal with an oppressive and unjust Government, then Civil Disobedience is the only weapon, is the only non-violent weapon with which you can fight any unjust and oppressive Government. Well, if my Honourable friend is not pleased with this, under the circumstances, what is wrong with the answer that Civil Disobedience can only be suspended and cannot be stopped? I say it can only be suspended and cannot be stopped. May I tell the Honourable gentleman who spoke so much about the Civil Disobedience that his own country, England, is not free from it? What did the waitresses of Regent Street do? Was it not Civil Disobedience? I suppose you think that is too insignificant an illustration. Then, I will refer him to the farmers of Kent. What did they do? Did they not use Civil Disobedience? If you do not call it Civil Disobedience, then what is it? Therefore, I repeat again that it is absolutely impossible that the Civil Disobedience will ever be stopped. Well, Sir, with a very accurate diagnosis of the situation, section 7 seems to have been retained, because the Government of India have diagnosed that if ever the Civil Disobedience Movement is going to be launched again, then it will be by

means of picketing. Now, here, again, my Honourable friend, who spoke yesterday afternoon, said that picketing can never be peaceful. If that is so, then do away with it completely. In that case where is the necessity of the explanation of section 7? You have the section above in which you mention the things which must not be done and then to save your own face, because you are not certain whether picketing really can be considered illegal, to show you are reasonable, you add an explanation saying that for indigenous goods and for temperance purposes it may be used and it will not come under this section. I will refer him again to the history of his own country. Does he mean to tell me that when picketing is done in this fashion in connection with temperance it can ever be peaceful? I will refer him to what happened in England when a certain gentleman came there whose name I forget.

Some Honourable Members : Pussyfoot Johnson

Dr. G. V. Deshmukh : Yes, he was the man. I want to ask you whether those movements in the interests of temperance were ever peaceful. I must say to the credit of my medical colleagues and students of all the hospitals that in London they took a leading part in this movement. In spite of all our activities, I did not see any legislation from the Parliament or from the executive authority of England saying that this is a very bad sign and that if this temperament develops it will again be used for other movements and, therefore, it will lead to disorder; therefore, they must have the concentration of authority into the executive hands. I can understand your attitude if you go the whole hog with it. I can understand you if you say that we will have nothing to do whether picketing is legal or illegal, we want to abolish it. But what is the meaning of the saving clause in this explanation? That only goes to show that you yourself are not certain about what you are doing and that it is only a pretext to concentrate all the authority in your own hands. We were also told yesterday that so far as liberty in this country is concerned, we are very much better off and we were given instances of Russia and Italy. We were told that we were very much better off and we had no reason to grumble. Now, if you take the case of Russia and Italy, then what are the Governments there? Do they pretend that they are democratic Governments? They say downright they are dictatorial Governments. If you are prepared to do that, I will agree with you. But so long as you do not do that, then I say there is such a thing as *noblesse oblige*. If you pride yourself on your parliamentary institutions and if you pride yourself that you are going to rule your vast Empire by means of parliamentary institutions, then I say that in your own interests do not give us instances from these dictatorial countries. It will not help you. If, on the other hand, you say that whatever it may be in England, we are not going to rule in India according to the forms of Government in England, there again I agree with you. I will have no complaint against you if you do that openly and frankly. But, then, you should not have these farces of parliamentary government such as Round Table Conferences, Joint Parliamentary Committee Reports, White Papers and Parliamentary Acts. Wind up all that and say that we want to establish a miniature Mussolini in every district and a hefty Hitler at the centre and we want to rule like a dictatorial and despotic Government. If you do that, I will agree with you. But till such time as you do not do that, then it is either hypocrisy or you want to concentrate all your power into the hands of the executive.

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Figures and statistics are very good things and I have to deal with them a great deal but they are only valuable if you look at them in a dry way. But where vital values are concerned, I can tell you that statistics do not mean anything. My friend, the Honourable gentleman from Midnapore, spoke yesterday with earnestness and sincerity and I think I was one of those who congratulated him at the end of his speech. Now, what was the point he made? He said why should Indians grumble so much for, after all, these laws, even if they are repressive laws, are not working so harshly and he gave a few statistics. The statistics were that in this country there are 4,000 odd newspapers and there were only 70 or 80 prosecutions and the proportion of prosecutions was something like 1 to 180. Therefore, we have to accept that the laws here are exercised very mildly. He will pardon me if I give him another illustration. Now, the population of this country is 350 millions and I will not make any difference between the Europeans who are in this country and the Indians who are in this country. I should like to treat the whole lot for my purposes as one. Now, how many terrorist outrages have taken place? I take it that there are about 300.

An Honourable Member : Much more.

Dr. G. V. Deshmukh : I do not mind whatever you say. But what is the proportion that works out? It works out to about one in a million. Does my Honourable friend want me to wait till the proportion comes down to 1 to 180? Does he mean to say that until that time terrorism is exercised very mildly in this country and, therefore, nothing should be done? If that is the kind of argument, I would despise myself as a man. I repeat again that where human values are concerned, it is not the statistics which help us but it is the principle of the thing which is important. I know that Indians, as a class, deplore terrorist crime; they are not fond of terrorist crime. If the principle is bad, then it matters very little to me whether one press has been prosecuted or 100 presses have been prosecuted or whether the proportion comes to 1 in 180 or 1 in 18,000. Now, that I am on the question of figures, I might refer to another thing. We were told by some other speaker that in spite of these repressive laws, the printing presses have gone up in this country. The conclusion drawn was that if these repressive laws had come in the way of the prosperity of the printing presses, then the figure would not have gone up. Now, figures, as I said, are always correct but the interpretations that you can put on them may be different. I do not say that my Honourable friend's interpretation may not be correct, but what I do say is this that there are many other interpretations that can be put. And the interpretation that I am going to put may also be correct and I hope the Honourable Member will do me the justice of saying so. India is a poor country and according to your own estimates there is a large number of educated population. I am not talking about the poor millions resting peacefully in their villages and only wanting to follow their religion. I am not talking about them. I am talking about those discontented graduates, educated persons. What are the avenues left for them? Nothing. Therefore, especially in times of world depression when practically every profession was in distress, then these young men took to small and petty presses, and in opening them up is it not likely that the number may go up? So, I submit that the number of presses does not mean anything. What I would like to know is this. If printing profession or the press

was thriving on account of this law, how many of the big presses were instituted into this country. Until I know that and until I know that the big presses, which were existing in this country before the Press Act, have actually made more profit after that time, I will pay no attention to this figure of 4,000 presses which are existing in this country. Then again about the papers, we were told that there are about 4,000 odd papers. I am taking a little time over this because it does seem to me that an attempt was made to misguide the House by means of statistics and figures. My opinion is that unless you have vital values and human values considered with these figures, these figures do not mean anything. We are told again that there are a large number of papers in this country, as many as 4,000 odd newspapers in this country. What does that mean? That does not mean anything. Does the circulation of all these papers put together come up even to the circulation of a single paper like the *Times*. I am not referring to the *Times of India*, I am talking of the *London Times*. On the one hand you yourself will say, that our masses are very ignorant, that literacy is very poor and, therefore, you must necessarily admit that the circulation of these papers must be very little and that possibly even though a paper might have a circulation of 100, or 200 or even 500 that would be included in your statistics as a newspaper to swell up the number of papers which go on your record. But I say that the circulation of all these papers put together, I doubt very much, whether it will come up to the circulation of one paper like the *Times* of London or the *New York Herald* in the West or in Europe. You cannot have it both ways. You cannot have an argument that the masses of this country are ignorant, illiterate, very apathetic and that they do not care what kind of political Government there is, they pay their taxes, and remain quiet; and at the same time say that the presses somehow or other must be choked, must be throttled, because otherwise they diffuse and spread widespread discontent, that they spread inflammatory material to the public and that it will lead to public danger. I say that this is not a fair argument to apply. I think I have pretty nearly disposed of some of the statistical fallacies connected with the speech of my Honourable friend of yesterday afternoon.

Now, so far as Civil Disobedience is concerned, what are you going to do with it? Are you going to stop Civil Disobedience by means of this Act? The object of this Act any one can see, it does not need very much acumen to find out where it is driving at. It is not so much the Civil Disobedience. You are not frightened by these terrorists. You cannot tell that now to the Indian people. I know that the Britisher is a brave person, he has fought Germany, he is constantly fighting wars on the different frontiers of the Empire. It is not that. I tell you what is the whole idea behind this measure. You want to attack the Press; that is the whole objective behind this game (hear, hear). You are not going to tell me that you, who fought perhaps some of the bravest nations on the face of this earth, that you, are frightened by 100 or 200 terrorists and that you cannot take care of them. I will not believe it. I say that in every measure that you propound there is something quite different behind it. We are no more children in this country to take your measures at their face value. The facade is quite different; there is something inside the house which is entirely different. I will now try my best to prove it to you and to the people who are willing to be convinced by reason that this is the whole and main objective behind all this. In the case of

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the Civil Disobedience Movement, in case it is going to be revived, if you admit that it is a principle which has come to stay, how are your press laws, or how is the Criminal Law Amendment Act going to prevent the Civil Disobedience Movement ? Therefore, it cannot be prevented.

I will now come down perhaps to the second ground which the Honourable the Home Member has given to the House to authorize him to place this Act on the Statute-book, and that is on account of terrorists. The best thing when one becomes panicky or frightened is to analyse the situation. I believe that that course will not be denied to me by the Opposite Benches. What is terrorism ? Is terrorism foreign to our nature, to our culture and to our traditions or is it something that we will take to readily ? You have only to look at the traditions and culture of India to realise that terrorism is something that is very foreign to the people of this country. I do not do any injustice by saying this, I do not claim very much more than what has already been granted to the Indian, the mild Hindu if you please. Terrorism is so foreign to his nature that actually it has become a fault of his and the opprobrious name of "mild Hindu" has been applied to him. I am convinced that it will also comfort my Honourable friend, Sir Ghulam Hussain Hidayatallah, to know that he is not included under very much of a different category to the mild Hindu. Therefore, terrorism is after all against the tradition of the country. Well, then, I am not talking of reviving terrorism of today or the terrorism that was during this preceding period when it was nearly wiped out. I want to be fair to the opponents and I am going to take terrorism in its worst days. On the other side of the Ganges, in Southern India and in the Central India, where were the cases of terrorism ? There were none. Mind you, Sir, it is a vast tract of country, perhaps five-sixths of India and with all that, in these, it was not that the papers were not being circulated. I will presently try to explain it in a better way. Where was terrorism ? Terrorism was localised to two Provinces, that is the Punjab and Bengal or the north of India. It is merely common sense that when a vast country like this is practically free from terrorism and when only in a few provinces it is localised, then what a good physician or a good doctor will do ? How will he diagnose ? Will he condemn the whole country or will he be right in saying that this is a local disease and, therefore, when a treatment is to be undertaken it is to be entirely local.

The Honourable Sir Nripendra Sircar (Leader of the House) : Amputate that portion.

Dr. G. V. Deshmukh : But you do not amputate the whole body. I am glad that the Honourable Sir Nripendra Sircar has taken the very words out of my mouth. I am coming to the very argument presently. I am glad that the Honourable Member has anticipated me. I say it is a local disease and if there had been any terrorism in any other part of the country I can assure you that the Honourable the Home Member would have informed us of it, but even yesterday in an apologetic way, he said that terrorism seemed to be reviving in Northern India. Well, Sir, if that is so, what I say is this.

Mr. Muhammad Yamin Khan : What about the attack on the Bombay Governor ?

Dr. G. V. Deshmukh : You are very good, I was not going to forget it ; I was going to mention it. It was not an act of terrorism, if you have read the case. That is why I say you are panicky, and, with the names of terrorism and Civil Disobedience, you seem to lose your brains and get panicky (Laughter), and that is how an attempt is being made to stampede you and people of your type into voting for this measure (Laughter). Now, Sir, I say that if the disease is local you must try to find out local remedies for it. Why is it that terrorism does not exist in the rest of India but seems to exist only in the land of the Jallianwalla Bagh and in the land of detenus where detenus are kept in prison without trial, without giving them a chance to defend themselves and without bringing them to trial ?

The Honourable Sir Henry Craik : Has there been no terrorism in Bombay ?

Dr. G. V. Deshmukh : No, Sir.

The Honourable Sir Henry Craik : What about the attempt to murder Sir Ernest Holtson ?

Dr. G. V. Deshmukh : Would you call that an act of terrorism ? What is an act of terrorism ? If, without warning in the middle of the night, somebody tries to come and kill you, that may be called an act of terrorism. After all, you yourself have never proved that it was an act of terrorism. It might have been a private grievance ; I am not here to defend it. But I do deny that that particular act was an act of terrorism. But even supposing for the sake of argument that there was one attempt which fortunately did not result in any loss of life, in the whole of the 56ths of India with a population of about 200 million.....

The Honourable Sir Henry Craik : That is quite inaccurate ; there were acts of terrorism in Madras too.

Dr. G. V. Deshmukh : I am absolutely in love with your style of making assertions. What I say is that if there was only an attempt in a vast territory containing about more than 200 million population, would you call that terrorism in the country ? When it suits you, you say that India is a big country, it is not a country, but it is a continent ; it consists of different races and different provinces. But can you show me a single week in which in the continent of Europe there is not one single act of violence ? You see terrorism in the civilised parts of Europe such as France, Germany and England and in other parts but you do not on that account have repressive laws and laws concentrating the whole of the power in the executive authority.

Mr F. E. James : My Honourable friend is probably not aware that, over a greater part of the continent of Europe, there are such repressive laws as my Honourable friend does not dream of.

Dr G. V. Deshmukh : My Honourable friend does not seem to have either heard or understood what I said in the earlier part of my speech. If you have a dictatorial and despotic Government here tomorrow, I am with you ; I have no complaint against you. But because you make a pretence of democratic and Parliamentary Government, that is why I am coming forward before you, and I say that if you want to keep your prestige as a Parliamentary nation, you must grant us Parliamentary institutions and you must behave in a democratic fashion. And it is no

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good your picking up instances from countries which are ruled autocratically and applying those to us and then saying that you are still a Parliamentary nation. That is my complaint ; I hope you are satisfied. (Laughter.)

Well, Sir, coming back to this terrorism, will you penalise the whole country by having a general measure like this ? I say that for a local complaint you can certainly by all means have a local remedy. And you cannot deny that you have plenty of weapons in your armoury. And I do not know why so much fuss is being made about the future Constitution and trying to see that the future Ministers may be left in comparative peace. That does not mean much of a compliment to my own compatriots and countrymen because it is an insidious insult if only my countrymen will look at it. The argument is put forward that they want to give to the future Government these Acts so that their administration may be easy. I suppose the Members of this House well know that the future Constitution is supposed to be provincial autonomy and that all the authorities are supposed to be transferred to Indian hands ; and they have no confidence that my own countrymen, the Indian Ministers, will be able to administer properly under criticism unless from now on they make this preparation that there shall be no criticism by the press. Sir, this is an insidious underground insult to my own countrymen and under the garb of saying that they want to leave the future Constitution safe and smooth to work. This is the insult that is being hurled at my own countrymen. In the case, therefore, of this local terrorism I have no complaint if you have local measures. It is not that even in the future Constitution you are not supplied with the proper remedies. Why, you have the discretion of the Governor ; it is not merely the Governor General in Council but you have his independent judgment. He is responsible for the safety, he can have Ordinances and even Ordinance Acts. With all these powers and with provincial autonomy soon to come in, I fail to see the force of the argument that in the interests of the future Constitution that is coming in, let us have an all-India measure so that the future Constitution may be safe to work. I say that there is something behind this and that something, so far as I can guess, is nothing but attack on the press.

Now, Sir, let me come to the third ground on which the Home Member wants the permission of this House for this Statute, and that is Communism. There again I am not very much frightened of Communism. And after all is said and done, in spite of the lurid picture that was drawn before our eyes so that our hair may stand on end that there will be armed revolution and the fabric of the society will be destroyed, I say here again I am not frightened at all. Can you prevent the principles of Communism coming into this country ? You go round to all the booksellers and their shelves are full of Russian history and the principles of Communism. They are not written in Russian, if you please, but by your own English authors. And they are not revolutionary authors but men like Bertrand Russell and H. G. Wells and others. You will find libraries full of this Russian literature. Therefore, so far as the principles of Communism are concerned you cannot absolutely prevent them ; you cannot prevent the intercourse of nations in these days much

as any tyrant would like to do. It is impossible, the times are not with them.

Pandit Krishna Kant Malaviya : And there is the judgment of the Calcutta High Court

Dr G. V. Deshmukh : Yes, I will come to that.

Then, so far as the principles of Communism are concerned, I do not think anybody can prevent them. And what is more, if you object to those principles, how is the progress of humanity to go on ? It is the glory of England and perhaps the one consolation that we have,—it might be a very poor consolation but it is a consolation and a grievance also,—that a nation which stands so much for free thought and has given shelter to so many persecuted Princes and Governments of Europe should by chance govern us but at the same time deny us the same privileges which they accord, not only to their own people, but particularly to those people whom they have nothing to do with. That is our grievance. All these books you cannot prevent. What is going to happen to your judicial Courts ?

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

What is going to happen after the decision in the Calcutta High Court the other day ? For mere designing or planning you cannot put a man in prison. I suppose there again the Government of India will say “ We cannot bring these culprits to book and, therefore, let us have new legislation, which will take away the power of the High Courts and put it in the hands of the District Magistrate as has been done in the case of the press in this very Act ”. I take it that that is going to be the next step under this democratic parliamentary Government. What are you going to do by having this Press Act ? By preventing papers saying anything about Communism, you cannot prevent the principles being disseminated amongst the intellectuals or amongst the reading public of this country ; and, therefore, you might as well not make the attempt to muzzle the press. If it comes to action which goes against the law of the land or against society, I take it that the Honourable the Home Member will not sleep as he is doing now : we will certainly expect him to stir and sit up and do something—there is sufficient power in the country to prevent that. But in the hope that some day danger might arise you are not going to fetter the country by all kinds of measures at the present time.

But even here, the analysis of Communism does not stop. I might be permitted and excused if I give some of my personal experiences that I have had with the leaders of this Communism. I think that the first real display of the Communistic spirit, that might be said to have occurred in this country, was in 1928—I think it was in connection with the textile strike that took place in Bombay. My friend, Sir Ghulam Hussain Hidayatallah, will bear me out that I took a considerable part, occupying an important position—the chair of honour in that city, that is the President of the Bombay Municipal Corporation which gave two such illustrious Presidents to this Assembly. (*A Voice* : “ You will be the third ”.) May be. During that time—this strike went on for nearly ten weeks or three months and it was a regular textile strike : I happened to go amongst the majority of men who were prisoners in the

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Meerut Conspiracy Case later under the charge of Communism or Bolshevism or something of the sort—I will tell you the genesis of this and that might suggest a remedy to the Government, if they mean to take it up : I say that this Communism in India as everywhere else is nothing but a struggle between the haves and the have-nots : and if the have-nots have not got sufficient to feed themselves and if they are starved and if they have to go and live their lives in misery, then call it Communism or call it Bolshevism or call it capitalism and labour trouble—you are going to have trouble ; and if it has developed further into the so-called Communism I say that the genesis is entirely there, because to my mind when they went on strike it was not so entirely unreasonable : I had conferences with the Millowners' Association—I think my Honourable friend, Sir Ghulam Hussain Hidayatallah, was in charge of the department of Government which deals with this and what is more, not only was I of the opinion, but here is one who was also of the same opinion. I ask him whether he can deny it : he cannot ; because he had a conference with them at the Secretariat : if he had thought that they were Communists, that they were red-hot Bolsheviks, I take that he would not have conferred with them.....

Sir Ghulam Hussain Hidayatallah : May I rise to a personal explanation and as the Honourable Member has spoken of me ? At that time I was in charge of Labour and I wanted to settle the strike : therefore, I had to call the leaders whether they were Communists or others ; and I succeeded in settling that dispute.

Dr. G. V. Deshmukh : I am very glad that Sir Ghulam Hussain has given his explanation. The dispute was finally settled by Sir Ghulam Hussain on the last day ; but if you ask those gentlemen themselves they will have to admit that practically all the preparation for it was done by the Bombay Municipal Corporation. I do not grudge Sir Ghulam having the credit—let him have it. If it is for the welfare of my country and people—I do not care who takes the credit—I do not care even if the present Government of India take the credit. What I stand for is the weal and welfare of my people and it is from that point of view that I am discussing all these things. I say if you want to prevent Communism or Bolshevism coming in, it will not be by throttling the press : it will not be by repressive measures ; but it will be by improving the industries of this country. I see the Finance Minister puffing out his cheeks and smiling (Laughter.) I am glad he has done that. If he had a chance, I am sure he would have quoted some Professor Pegu or somebody or other—he is fond of quoting books. I will ask him very simple questions which perhaps he has neglected to this day ; but Indians, like Romesh Chunder Dutt and Mahadev Govind Ranade, found out a long time ago, perhaps 50 years ago, before either the Finance Member or I was born. By the statistics and producing power of this country, they proved conclusively that this country has no hope unless it takes to industries. So long as it sticks only to agriculture, agriculture cannot maintain the population in this country. It is all very well for him to maintain the balance of trade by selling the precious metals. I suppose if in England they had a Finance Minister like this who

kept up the balance of trade by exporting precious metals he would soon have been exported. (Laughter.) I do not know if that is the cause of his being here. (Renewed Laughter.) Here, with no responsibility, with no power of criticism in the people, he can go about preaching his old ancient ideas which do not suit present conditions of the country, quote professors, bully merchants wherever he goes, talk to them what he likes as he did in Bombay and do generally as he likes with the country. But I do not think he could have done it in his or in any other country. (Interruptions and cries of "Go on.") Therefore, the real remedy against this is the industrial regeneration of the country. What country is there on this earth which will on grounds of economy say—where the Commerce Member will be allowed to continue if he uses the arguments: "We can buy our materials outside at a cheaper rate in the case of vital industries." The labourers of that country, the industrial labourers would not make his life as a Commerce Member worth while even for two days: they will soon see to it that he has to vacate his office. We hear all kinds of arguments here. We hear that because it is cheaper to buy some materials from outside,—I do not want to allude personally to anybody, and I hope that nobody will take my remarks as personal,—it is not from the present Commerce Member alone that we hear it but we also heard it from his predecessors,—we hear that because it is cheaper to buy some material from outside we should buy it in preference to the indigenous material. Sir, whoever has heard in regard to commercial policy that when you start thinking of an industry, the deliberations go on for 13 years, and at the end of 13 years you say that it is not profitable to get the material in this country because according to statistics it is cheaper for you to buy that stuff from outside! Sir, I say that all vital industries of the country must first be started irrespective of whether they are profitable or not, because, Sir, besides calculating the return in pounds, shilling and pence, it gives employment to labour, it improves the status, the manhood of the nation, it improves the level of life. It has so many indirect advantages which cannot be calculated in rupees, annas and pies. Therefore, I say that so long as the policy of this country continues to be what it is at present, if vital industries are ignored or neglected, if industries are not started, fostered and developed in this country, what is the industrial labour to do? Your law and order may be all right, peace and tranquillity may be all right, but they are only means to an end. Where the Honourable Member who spoke yesterday and we on this side differ is in this. He wants peace and tranquillity as an end in itself; we want peace and tranquillity as a means to an end. You will have peace and tranquillity when you have the tranquillity of death; we also want the repose, but we want the repose of life. That is the difference between your way of looking at things and our way of looking at things, hence arises all this difference between you and us and the difference in point of view between you and us. That is the vital difference, and, therefore, whatever you may say cannot appeal to us, and I daresay whatever we say cannot and will not appeal to you, because our way of looking at things is quite different from yours. Sir, I think it is Balzac who mentions in one of his novels about somebody's wife crying. He was one of those ultra scientists very fond of facts and figures. His wife happened to be

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crying, and he tells her, "Why are you crying? Do you know what your tears mean? They mean 99.94 per cent. of water and perhaps .06 per cent. of sodium chloride". (Laughter.) Whenever our own wife and child cry we realise the pain and feeling, but that realisation cannot be the same when we see the wife and child of somebody else crying. Logic and life cannot go together. You are talking merely of your dry facts and figures, whereas we are vitally concerned in our country's welfare in this question. You are merely concerned with the interests of your office, you are concerned to that extent alone, and no more. As soon as your term of office is over, you take your pay and whatever fortune you make and clear out of this country. And what is still more regrettable, you take away with you the experience that you gain from this country. What we want to do,—and that is what we are trying to do for the welfare of our people,—we want to keep all that talent and experience in this country. Now, we as human beings are not very different from you, but we look at things from different viewpoints, or to use a very common expression, from a different angle of vision. We look at baby's tears as our baby's tears which will move us from an emotional point of view; you look at them from an economist's point of view so far as India is concerned; not that you are incapable of feeling when the emotions are stirred. Why? You saw the attitude and conduct of the Home Member just a little while ago when the passions were stirred. In spite of his advice to us yesterday that we should not introduce bitterness or emotion into the discussion we saw him perturbed and agitated, and he could not hear the speech of my friend, Pandit Malaviya. You may thoroughly dislike it. We hear many things from your side which we thoroughly dislike. I suppose yesterday the Home Member was prominent on that side in shouting 'Order, order', if I am not very much mistaken. I don't say he was wrong; he was perfectly right; and I would do the same on this side. But it is very easy to talk about being dispassionate, being cold and looking at things merely in the light of cold reason and logic when things do not touch you. As soon as things really touch you, not merely in the matter of emotions, but in the matter of interests, then every human being is apt to lose his logic.....

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member has much more to say.....

5 P.M.

Dr. G. V. Deshmukh : Sir, I have a great deal more to say, and I shall require a little more time.

Mr. President (The Honourable Sir Abdur Rahim) : Then it is better we adjourn now.

The Assembly then adjourned till Eleven of the Clock on Monday, the 9th September, 1935.

LEGISLATIVE ASSEMBLY.

Monday, 9th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock,
Mr President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

TRIBAL VENDETTA ON THE NORTH-WEST FRONTIER.

197. ***Mr. S. Satyamurti** : Will Government be pleased to state :

(a) whether the facts regarding the tribal vendetta on the North-West Frontier published on the 22nd May, 1935, are correct ;

(b) what part Government played therein ; and

(c) whether Government observe neutrality in such matters ?

Mr. J. G. Acheson : With your permission, Sir, I propose to reply to questions Nos 197, 210 and 213 together, as they all relate to the murder of Khan Sahib Zangi Khan, Madda Khel, and the events which followed it.

The reports published in the papers were noticed by Government. The facts stated in the account published on the 22nd May, 1935, are based on information supplied by Government to the Press and are substantially correct.

These events took place in unadministered tribal territory, where Government do not exercise control in regard to purely internal tribal matters.

Information regarding important events on the North-West Frontier is invariably furnished, as in this instance, to the Press. Government do not consider it necessary to table the papers.

Mr S. Satyamurti : May I know what is meant by unadministered areas ? What is the extent and nature of Government control in these areas ?

Mr. J. G. Acheson : Government control is of a general nature and is mainly confined to protecting the interests of the inhabitants of the neighbouring administered districts of British India.

Mr. S. Satyamurti : With regard to the Honourable Member's answer to clause (c) of question No. 197, may I know whether in these unadministered areas the Government observe strict neutrality among those tribes or whether they support one tribe as against the other, and, if so, on what considerations ?

Mr. J. G. Acheson : It is extremely difficult to give answers to general questions regarding unadministered tribal territory as the conditions vary enormously from place to place. If the Honourable Member will specify any particular area, I will give an answer.

Dr. Khan Sahib : Is it a fact that in the unadministered area round about Loe Agra the woods there are kept as a preserve for the pleasure shoots of the Political Officer and his British friends, and is it also a fact that, if any tribal man intercedes, he is fined Rs. 50 and given three months' rigorous imprisonment ?

Mr. J. G. Acheson : I have no information, but the story sounds to me extremely improbable.

Mr. S. Satyamurti : May I know what is meant by purely inter-tribal matters ?

Mr. J. G. Acheson : It is difficult to give legal definition at such short notice, but speaking offhand, I should define purely inter-tribal matters as being matters which do not concern the inhabitants of the neighbouring districts of British India.

Dr. Khan Sahib : Will the Honourable Member kindly take the trouble of finding out if what I have stated is true ?

Mr. J. G. Acheson : Certainly.

Mr. S. Satyamurti : May I know the reasons why Government at all interfere as between these tribes ? What are the reasons why Government interfere ?

Mr. J. G. Acheson : In the interests of the security of the neighbouring districts of British India and the interests of the security of India as a whole.

Mr. S. Satyamurti : Have Government tried to come to any terms with those people, in order to observe certain rules in their relations with one another ?

Mr. J. G. Acheson : Certainly. In most cases agreements have been executed with the tribes, and these are being observed.

Mr. S. Satyamurti : In how many cases, have such agreements been executed ?

Mr. J. G. Acheson : I cannot give the exact number, but I would refer the Honourable Member to Aitchison's Treaties, a copy of which is, I believe, in the Library of the House.

Mr. S. Satyamurti : Is that the latest word on the subject ?

Mr. J. G. Acheson : It is the latest word up to, I believe, 1928, when the last edition was revised.

Mr. S. Satyamurti : Are there any treaties after 1928 ?

Mr. J. G. Acheson : I believe there have been one or two agreements—one, for instance, the Jhalanai Agreement of 1933 which has recently been broken by the Upper Mohmands.

Mr. S. Satyamurti : With reference to the Honourable Member's answers to question No. 210 which was also answered along with

question No. 197, may I know whether the Durand Line is still the Frontier recognised by the tribes as such ?

Mr. J. G. Acheson : Yes, Sir. I will suggest that I should meet my Honourable friend and some of his friends and give them a lecture on the subject and give answers to questions. I find it very difficult to answer this miscellaneous mass of questions in the House though I am very happy to give all the information I possibly can.

Mr. S. Satyamurti : I do not want lectures, but I want some intelligible information about the Frontier. I am asking the Honourable Member why, in spite of all these various treaties, the tribal warfare perpetually goes on costing enormous sums to the Indian Exchequer and loss of life ?

Mr. President (The Honourable Sir Abdur Rahim) : It is a big question, and it cannot be answered by means of questions and answers.

Mr. S. Satyamurti : Sir, it is a non-voted subject, and what else can we do ? We can only ask questions.

Mr. President (The Honourable Sir Abdur Rahim) : It deals with a big question of policy, and the Chair thinks it can be more appropriately discussed on the budget.

Mr. S. Satyamurti : We are seeking information, and we cannot get information on the budget discussion. Anyhow, I leave it at that. As regards the Honourable Member's answer to question No. 213, I thought I heard the Honourable Member say that this was in connection with the construction of a road.

Mr. J. G. Acheson : I did not say that, it had no connection with the construction of a road.

Mr. S. Satyamurti : Then, what was this murder due to ?

Mr. J. G. Acheson : As far as can be ascertained, it was committed in prosecution of a typical Pathan blood feud.

Dr. Khan Sahib : Is it a fact that people who know about this murder on the Frontier attribute it to the Political Department ?

Mr. J. G. Acheson : I resent that question very much. I have never heard of any such allegation, and it is entirely false.

Mr. S. Satyamurti : With reference to the Honourable Member's answer to part (c) of question No. 213, will Government place all the relevant papers on the table of the House ?

Mr. J. G. Acheson : Government do not consider it necessary to place the papers on the table of the House.

Mr. S. Satyamurti : May I know why they do not consider it necessary ?

Mr. J. G. Acheson : I have nothing to add to my answer.

SAFEGUARDING OF THE INTERESTS OF INDIANS IN KENYA.

198 ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether after the debate in this House during the last Session on the adjournment motion on the question of Indians in

Kenya, especially as regards the reservation of the highlands for Europeans, any correspondence has passed between them and the British Government, and if so, whether they will place the correspondence on the table ;

(b) whether there has been any change in the situation, and if so, for better or for worse ; and

(c) what steps Government propose to take to safeguard the interests of Indians in Kenya ?

Sir Girja Shankar Bajpai : (a) Since the debate referred to by the Honourable Member the representations foreshadowed by me have been made to His Majesty's Government, and the result is awaited. Government regret that publication of the correspondence cannot be considered until the negotiations have been completed.

(b) So far as Government are aware there has been no change in the situation for the worse.

(c) Government have already taken such steps as seemed desirable to safeguard Indian interests in this matter.

Mr. S. Satyamurti : With reference to the answer to clause (a) of the question, may I know when the Government of India addressed His Majesty's Government on this matter ?

Sir Girja Shankar Bajpai : Soon after the debate. I do not exactly remember the date.

Mr. S. Satyamurti : Have they had any reply to it or none at all ?

Sir Girja Shankar Bajpai : The position is that the Secretary of State for India and the Secretary of State for the Colonies are discussing this matter.

Mr. S. Satyamurti : With reference to clause (b), I take it there has been no change for the better either.

Sir Girja Shankar Bajpai : There is no change at all. The *status quo* remains.

Mr. S. Satyamurti : With reference to clause (c), I thought my Honourable friend said that Government have taken some steps. May I know definitely what steps they have taken ?

Sir Girja Shankar Bajpai : At this stage, the only step taken is the step of representing the position to His Majesty's Government.

Mr. S. Satyamurti : Will the Government of India remind His Majesty's Government and ask them to expedite a decision on this matter ?

Sir Girja Shankar Bajpai : I think my Honourable friend will appreciate the fact that we do not want to hustle the Colonial Office unduly. It is not that we are altogether contented with the existing position. At the same time, it is very much better than the position which would be if the Order in Council were passed and we want to let the Colonial Office have as much time as they like in order to consider this matter so long as the result of the consideration is favourable to us.

Mr. S. Satyamurti : Are Government satisfied that no final order will be passed, until the Government of India have had their final say in the matter ?

Sir Girja Shankar Bajpai : The Secretary of State for the Colonies gave an assurance to that effect in the House of Commons.

Mr. B. Das : Is the Honourable Member aware of the statement of Mr. Pandya and has he approached the Honourable Member in that connection ?

Sir Girja Shankar Bajpai : With the exception of the interview that he gave to the press, Mr. Pandya has taken no steps to approach the Government of India either in regard to this matter or any other matter affecting Indians in Kenya.

Mr. B. Das : He is probably disappointed with the Government of India

Sir Girja Shankar Bajpai : That is a question which my friend might address to Mr. Pandya, but my recollection of the interview is that he expressed satisfaction with the steps taken by the Government of India.

POSITIONS OF INDIANS IN ZANZIBAR WITH REGARD TO THE CLOVE ORDINANCES.

199. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the latest position of Indians in Zanzibar with regard to the clove ordinances ;
- (b) what steps the Government of India have taken and are taking ; and
- (c) whether the question will be settled when the next clove crop comes in, and if not, why not ?

Sir Girja Shankar Bajpai : (a) and (b). The attention of the Honourable Member is invited to the reply given by me on the 4th September, 1935, to question No. 118.

(c) I hope so, Sir.

Mr. S. Satyamurti : May I know, apart from this optimistic temperament which I entirely share with my Honourable friend, he has any reasons for this hope ?

Sir Girja Shankar Bajpai : The mere fact that the Colonial Office have not told us definitely that they propose to do nothing, is, in my opinion, a circumstance that gives rise to hope.

Mr. S. Satyamurti : Is there nothing more hopeful than that in the situation ?

Sir Girja Shankar Bajpai : My friend will appreciate that there can be nothing more definite until we have had a definite reply, which has not yet materialised.

Mr. S. Satyamurti : Will the Government of India ask the Colonial Office to expedite the reply ?

Sir Girja Shankar Bajpai : I can assure my Honourable friend that the Government of India are stimulating the Colonial Office to such an extent as they consider desirable.

Mr. M. Ananthasayanam Ayyangar : Is the Honourable Member aware of an Associated Press message that a company has been floated in England by name Zanzibar Distilleries Company ?

Sir Girja Shankar Bajpai : I think my Honourable friend, Mr Joshi, put a similar question, and I asked him to supply information so that I might consider whether an inquiry is desirable. If my Honourable friend will do likewise, I shall be very glad to oblige him.

RATE-WAR BETWEEN THE BRITISH INDIA STEAM NAVIGATION COMPANY AND THE AGARWAL STEAM NAVIGATION COMPANY.

200 ***Mr. S. Satyamurti :** Will Government be pleased to state .

- (a) whether they are aware of the rate-war going on between the B. I. S. N. Company and the Agarwal Steam Navigation Company ;
- (b) whether Government propose to take any steps in the matter ; and
- (c) if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : With your permission, Sir, I shall answer questions Nos. 200 and 225 together.

The Government of India recently received from the Agarwal Steam Navigation Company a complaint alleging that the British India Steam Navigation Company had started a rate-war against them by reducing the passenger fares on the run between Rangoon and Calcutta, and requesting the intervention of Government in the matter. Shortly thereafter a representation was also received from Messrs. Ganga Singh and S. C. Bhattacharjee, on behalf of one Passenger Service League, Rangoon, requesting the intervention of the Government of India in regard to the question of reducing passage rates between Rangoon and the Indian ports to the pre-war level and in the rate-war alleged to have been started by the British India Steam Navigation Company. As regards the alleged rate-war, the Agarwal Company, on their own showing, were the first to reduce their passage rate between Rangoon and Calcutta and only complained when a further reduction of rates was made by the other Company. The Government of India, therefore, decided not to take any action in the matter. With regard to the general question of reduction of passage rates between Rangoon and the Indian ports, reference is invited to the reply given by the Honourable Sir Joseph Bore to Mr. Ananthasayanam Ayyangar's unstarred questions Nos. 116 and 118 on the 27th February, 1935.

Mr. S. Satyamurti : What is the position of the Government of India ? Do they refuse to interfere to reduce the fares between Rangoon and Indian ports ?

The Honourable Sir Muhammad Zafrullah Khan : As the Government of India found that the rate-war which had been complained of had been started by the complainant company, they did not consider it fair to call it to the notice of the other company concerned. In this case, the rate-war had been started by the Agarwal Company themselves.

Mr. S. Satyamurti : Apart from the original responsibility, do not the Government of India consider that, in the interests of the development of Indian shipping, they should lay down certain maxima and minima rates, so that there may be a fair chance for Indian shipping ?

The Honourable Sir Muhammad Zafrullah Khan : Under what authority ?

Mr. S. Satyamurti : Have the Government examined that question ?

The Honourable Sir Muhammad Zafrullah Khan : Government have looked into the question which was raised, to which I have given a reply, but if my Honourable friend will tell me under what authority he expects Government to interfere, I shall look into the question further.

Mr. S. Satyamurti : Have Government considered the need for giving some opportunity for Indian shipping to develop ?

The Honourable Sir Muhammad Zafrullah Khan : It appears from the correspondence carried on between the two companies that according to one of these companies the rates are already so low as to be uneconomical.

Mr. S. Satyamurti : With regard to clause (b) of question No. 225, may I know what is the reason why the Government do not propose to reduce these fares to the economic level prevailing immediately before the War ?

The Honourable Sir Muhammad Zafrullah Khan : I have suggested that if my friend will refer me to the authority under which Government can interfere, I shall be very happy to look into the matter.

Mr. S. Satyamurti : Am I the legal adviser to the Government of India ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member's reply is that Government have no authority.

Mr. S. Satyamurti : They could easily say so ?

Mr. Sami Vencatachalam Chetty : Is it the contention of the Government that the Agarwal Company violated the agreement entered into by them with the B. I. S. N. Co.

The Honourable Sir Muhammad Zafrullah Khan : Was there any agreement entered into ?

Mr. Sami Vencatachalam Chetty : I thought Sir Joseph Bore brought about certain compromise between these two companies ?

The Honourable Sir Muhammad Zafrullah Khan : These were not the companies concerned.

Prof. N. G. Ranga : Do Government consider that the unfettered rate-war now going on is in the interests of Indian shipping ?

The Honourable Sir Muhammad Zafrullah Khan : If I am bound to offer an opinion on that, I think, when companies start a rate-war between themselves it is bound to injure some interest or other, but I am not in a position to give an opinion as to this particular rate-war and the limits that it has reached.

Mr. Sami Vencatachelam Chetty : Will Government make a similar arrangement as in the case of the other companies ?

The Honourable Sir Muhammad Zafrullah Khan : Government's good offices were invited in connection with one or two previous disputes and Government were ready to offer their good offices when they found that the companies concerned were willing that Government should take a hand in the matter. When Government find a similar readiness on behalf of any other group, I think Government will not be behind-hand in offering their help, if, by the offer of such good offices, they can help to bring about a settlement.

Mr. Sami Vencatachelam Chetty : Having regard to the fact that one of the companies stands to gain by this struggle, would it not be possible for the Government themselves to intervene and bring about a settlement ?

The Honourable Sir Muhammad Zafrullah Khan : At the stage where matters stand, Government are not sure which company is likely to gain and which is likely to lose. When they come to a stage when they require the good offices of Government and the intervention of Government is likely to lead to good results, Government will not be unwilling to render such assistance as they can ?

Mr. S. Satyamurti : Are Government not aware that Indian shipping is in an infant stage as compared with these giants ? Will not Government offer their good offices in the interests of the development of Indian shipping ?

The Honourable Sir Muhammad Zafrullah Khan : Government's experience is that the offer of good offices at a stage when the good offices are likely to be rejected by those concerned does not lead to any useful purpose. A stage might arise when such good offices might lead to good results

GOLD EXPORTED FROM INDIA SINCE ENGLAND WENT OFF THE GOLD STANDARD.

201. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the total quantity of gold exported from this country since England went off the gold standard ;
- (b) the effect of it on the internal or the external trade of India ; and
- (c) whether Government propose to take any step to prohibit and restrict the export of gold from this country, and if not, why not ?

The Honourable Sir James Grigg : (a) About 30½ million ounces between 22nd September, 1931, and the 25th August, 1935

(b) and (c). I would invite the attention of the Honourable Member to the reply given by me to starred question No. 8 by Mr. T. S. Avinashilingam Chettiar during the current Session.

Mr. S. Satyamurti : Has the Finance Member not changed his opinion yet ?

The Honourable Sir James Grigg : Not yet.

Mr. S. Satyamurti : Has the Finance Member examined the question as to how much of this gold is what is called "distress gold", that is, not gold which can be spared easily, but gold which is given up out of distress of the unfortunate people concerned?

The Honourable Sir James Grigg : I have considered that aspect of the question in so far as it is possible to do it without a special inquiry. A special inquiry would, of course, be extraordinarily expensive, and, I think, would lead to very indefinite results.

Mr. S. Satyamurti : What is the conclusion of the Finance Member's examination of this question? How much of this is distress gold?

The Honourable Sir James Grigg : Not very much, in my own opinion, but I do not claim that it is more than a matter of opinion.

Prof N G. Ranga : Is the Honourable Member aware of a book called "Wisdom and Waste" written by one of their own experts, Mr. Darling, in which it is definitely stated that a great part of this gold is, naturally, very distress gold?

The Honourable Sir James Grigg : I do not entirely agree with Mr. Darling, though, of course, this may be presumptuous on my part.

Mr. S. Satyamurti : Will Government institute an inquiry and find out how much of this is distress gold, and whether the interests of the country do not demand at least a limited embargo on this gold export?

The Honourable Sir James Grigg : No, Sir.

Prof. N. G. Ranga : What is the extent of the scope for the further exports of gold from India?

The Honourable Sir James Grigg : Do you mean how much gold is left in India? Some figures were given in one of the League of Nations publications. I can look it up, and I can give the Honourable Member the reference.

Mr. Lalchand Navalrai : May I ask what have been the aggregate exports to date and how much of gold is still left?

The Honourable Sir James Grigg : My recollection is—if you look at the League of Nations publication to which I have referred—that only about a fifth or sixth of the gold stocks has left the country.

Prof N G. Ranga : In view of the deplorable condition of our present balance of trade how much longer does the Finance Member expect our unrestricted gold exports to help him in the balance of trade?

The Honourable Sir James Grigg : As long as is necessary.

Mr. S. Satyamurti : Does the Honourable Member wish and expect all the gold to be exported?

The Honourable Sir James Grigg : No, Sir.

Mr. S. Satyamurti : With reference to clause (b) of the question—I am not prying into Budget secrets—may I ask, whether the Honourable Member has considered the possibility of these gold exports falling, and of his apple cart being then upset?

The Honourable Sir James Grigg : I have considered that possibility, but I do not think it is probable in the near future.

Mr. Lalchand Navalrai : How much gold does the Honourable Member wish should remain in India ?

The Honourable Sir James Grigg : I am not prepared to answer a hypothetical question like that.

Mr. Lalchand Navalrai : I only want the Honourable Member to give us the aggregate quantity that has been exported and I want to know how much scope for further exports there is now ?

The Honourable Sir James Grigg : I am not prepared to answer that offhand.

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

RIGHTS OF INDIANS IN ZANZIBAR.

202. ***Mr. S. Satyamurti** : Will Government be pleased to state :

(a) whether their attention has been drawn to the statement made by Mr Ghulam Ali Qadarbhoy, Zanzibar Indian Leader, published by the Associated Press of India, on the 19th May, 1935, regarding the rights of Indians in Zanzibar ;

(b) whether the statements made therein are true ; and

(c) what step if any, Government propose to take in the matter ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) The statements referred to by the Honourable Member contain both facts and inferences. Of the former, only those relating to Zanzibar appear to be precise. These are substantially correct.

(c) The position of Indians in the territories mentioned continues to engage the attention of Government. As regards the Zanzibar Land Alienation Decree, a Commission was appointed by the Government of Zanzibar to report on the problem of agricultural indebtedness in the Protectorate. Its report has been submitted and is under the consideration of the Colonial Government.

Mr. S. Satyamurti : Have the Government of India got a copy of that report ?

Sir Girja Shankar Bajpai : Yes, Sir, but it is still confidential.

Mr. S. Satyamurti : Have this Government made any representations to His Majesty's Government on that report ?

Sir Girja Shankar Bajpai : Yes, Sir, we have represented to His Majesty's Government that the report should be published as soon as possible.

Mr. S. Satyamurti : Have they made any recommendations from the point of India to His Majesty's Government ?

Sir Girja Shankar Bajpai : The Government of India prefer to defer representations until they are in possession of the views of the Colonial Government.

Mr. S. Satyamurti : Are the Government of India satisfied that the Colonial Government will not pass final orders, till the Government of India have had an opportunity of expressing their opinion ?

Sir Girja Shankar Bajpai : The Secretary of State for the Colonies has been asked to take no action on the report or on the recommendations of the Government of Zanzibar until the Government of India have had an opportunity of making their representations ?

Mr. S. Satyamurti : Has he made any yet ?

Sir Girja Shankar Bajpai : Yes.

FINANCIAL ADJUSTMENT FOR THE CREATION OF THE NEW PROVINCES OF ORISSA AND SIND

203 ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether the financial adjustment for the creation of the new provinces of Orissa and Sind have been completed ;
- (b) if so, what they are ; and
- (c) if not, whether the Governments of Madras and Bihar and Orissa in respect of Orissa, and the Government of Bombay in respect of Sind, will be given opportunities to state their case before a final solution is arrived at ?

The Honourable Sir James Grigg : (a) and (b). Final conclusions in these matters have not yet been reached.

(c) The Governments concerned have already been given the fullest opportunities to state their cases.

Mr. S. Satyamurti : Did they state their cases ? Are their cases being considered ?

The Honourable Sir James Grigg : Naturally.

Mr. S. Satyamurti : May I know whether, before Draft Orders in Council on this matter are placed before Parliament, the Government will have an opportunity of stating their opinions with regard to these arrangements ?

The Honourable Sir James Grigg : Indubitably.

Mr. S. Satyamurti : Will this House be given an opportunity of expressing its opinion ?

The Honourable Sir James Grigg : I cannot give any undertaking in that matter. For the most part these are accounting arrangements, and the questions of principle are very simple.

Mr. S. Satyamurti : May I know since the Federal Government will presumably have to foot a portion of the Bill at least in respect of these provinces, what are the reasons why this House should not be given an opportunity of expressing its opinion on these fundamental matters ?

The Honourable Sir James Grigg : The questions of principle concerned have been in the main determined by the Imperial Parliament.

Mr. S. Satyamurti : With regard to the actual amount of contribution which should be paid by the Central Government, no principle has been

laid down. May I know whether the actual proportion will be laid before the House for its opinion ?

The Honourable Sir James Grigg : I cannot give any undertaking in that matter.

Mr. Lalchand Navalrai : May I ask if a non-official is going to be joined with the officers who are investigating into this financial question of separation ?

The Honourable Sir James Grigg : No, Sir.

Mr. Lalchand Navalrai : Why not ?

The Honourable Sir James Grigg : Because I consider it is more expeditious and, in the end, more satisfactory if the question is determined impartially and if there is no wrangle between members representing the various provinces.

Mr. Lalchand Navalrai : Does the Honourable Member think that, if a non-official were joined to this committee of officials, he would not be impartial ?

The Honourable Sir James Grigg : I cannot hear the Honourable Member

Mr. Lalchand Navalrai : I am talking quite loudly.

The Honourable Sir James Grigg : It reverberates.

Mr. Lalchand Navalrai : Will the Honourable Member say, if a non-official Member is joined to the committee of officers who are investigating this question, that he will not be impartial ?

The Honourable Sir James Grigg : Of course not ; non-officials will represent the provinces they come from.

Mr. S. Satyamurti : May I ask if the very important question of the financial solvency of the proposed federation and of these provinces is not a matter which should be discussed on the floor of this House ? What are the reasons why the Government propose to conduct the inquiry in camera, and pass orders over our heads ?

The Honourable Sir James Grigg : The Honourable Member had better put down a question and then I can give a considered answer. In any case, the main responsibility in the matter is the Government's.

ESTABLISHMENT OF A GERMAN AUTOMOBILE FACTORY IN BOMBAY.

204. ***Mr. S. Satyamurti :** Will Government be pleased to state .

- (a) whether it is a fact that a German automobile factory is being established in Bombay with a capacity for turning over fifteen thousand cars and one thousand omnibuses annually ;
- (b) whether any permission is sought for or given for the opening of that factory ; and
- (c) if so, on what conditions ?

The Honourable Mr. D. G. Mitchell : (a) Not so far as I am aware.

(b) and (c). Do not arise.

INDIAN EXPORTS AND IMPORTS AND INDIA'S TRADE POSITION.

205. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether it is a fact that during the year 1934-35 Indian exports to the United Kingdom showed only a small increase of about 32 lakhs ;
- (b) whether during the same period Indian imports from the United Kingdom increased by over six crores of rupees ;
- (c) whether India's trade with other Empire countries showed any appreciable rise in exports ;
- (d) whether imports from Empire countries into India showed an increase from 67 crores to 69 crores ;
- (e) whether Government have considered these figures as bearing on India's trade position ;
- (f) whether Japan contributed considerably to India's export trade ; and
- (g) whether India's exports to foreign countries have increased in spite of the great decline in export to Germany, France, Italy and Turkey ?

The Honourable Sir Muhammad Zafrullah Khan : (a) According to the latest available figures, exports from India to the United Kingdom were Rs. 47.81 crores in 1934-35 as compared with 47.21 crores in 1933-34, an increase of Rs. 60 lakhs

(b) Imports into India from the United Kingdom amounted to 53.73 crores in 1934-35 as compared with 47.59 crores in 1933-34, an increase of Rs. 61 crores.

(c) India's exports to the other Empire countries amounted to 21.53 crores in 1934-35, as against 20.94 crores in the preceding year.

(d) Imports into India from Empire countries, other than the United Kingdom, were valued at Rs. 11.62 crores in 1934-35 as against Rs. 10.17 crores in 1933-34.

(e) Government are fully aware of the position disclosed by these figures of India's export and import trade.

(f) Yes.

(g) Yes. An increase of Rs. 10 crores in Japan's taking of raw cotton more than counterbalanced decreases of Rs. 2 crores in exports to both France and Germany. Exports to Italy, however, showed an increase while in the case of Turkey there was a small decrease.

Mr. S. Satyamurti : With reference to answer to clause (d) of the question, did I hear the Honourable Member to say imports from other than Empire countries ?

The Honourable Sir Muhammad Zafrullah Khan : I said the imports which came to India from Empire countries other than the United Kingdom for which I have already given the figures.

Mr. S. Satyamurti : In view of the answers to clauses (a), (b), (c) and (d) of the question, may I know if the Honourable Member has examined these figures, in the light of the working of the Ottawa Agreement ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir.

M. S. Satyamurti : May I know if the Government's attention has been drawn to the fact that, while imports to this country have gone up very largely, the exports have risen only by 60 lakhs ?

The Honourable Sir Muhammad Zafrullah Khan : That follows from the answer.

Mr. S. Satyamurti : May I know whether Government are satisfied that India has got anything like reasonable benefit from the working of the Ottawa Agreement ? If so, what are their reasons for arriving at this conclusion ?

The Honourable Sir Muhammad Zafrullah Khan : Government do not propose to express any opinion as to the working of the Ottawa preferences as this House will have an opportunity of discussing them in the Budget Session on the basis of the report which Government have prepared.

Mr. S. Satyamurti : May I know whether Government have examined the causes for this large increase of imports into this country, and whether it is not due to the preferences given to Britain ?

Mr. President (The Honourable Sir Abdur Rahim) : I think it would be better if the Honourable Member puts these questions when the report is before the House.

PREPARATIONS IN INDIA FOR A WAR.

206. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the statement of the United Press emanating from Bombay on the 3rd May, regarding the Indian Army getting ready for war ; and

(b) whether the facts stated therein are true ?

Mr. G. R. F. Tottenham : (a) Yes.

(b) No.

Mr. S. Satyamurti : Not even after the Italo-Abyssinian crisis ?

Mr. G. R. F. Tottenham : No.

Mr. S. Satyamurti : You are always prepared for war ?

Mr. Lalchand Navalrai : May I know from the Honourable Member if any attempt has been made to recruit people for the outside services up till now ?

Mr. G. R. F. Tottenham : I do now know what the Honourable Member means, but the answer is probably in the negative. (Laughter.)

Mr. M. Ananthasayanam Ayyangar : With reference to part (a) of the question, may I know what are the steps that are being taken in this direction ?

Mr. G. R. F. Tottenham : No steps.

HIGHER OFFICES HELD BY INDIANS IN THE GOVERNMENT OF INDIA
SECRETARIAT.

207. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether, in respect of the Government of India Secretariat there is a definite attempt to oust Indians from the higher offices ;
- (b) how many Indians there were ten years ago and five years ago in the Government of India Departments as Secretary, Additional Secretary, Deputy Secretary or Under Secretary ;
- (c) how many Indians there are holding these offices to-day ;
- (d) how many Indians there are occupying such places in the Finance Department ;
- (e) whether there are any Indians in the Home Department holding such offices ; and
- (f) whether Government have any policy in this matter, and if so, what the policy is ?

The Honourable Sir Henry Craik : (a) The answer is in the negative.

(b) and (c). I lay a statement on the table.

(d) One.

(e) Yes ; one Under Secretary.

(f) I would refer the Honourable Member to the Preamble to the Government of India Act, 1919.

Statement showing the number of Secretaries, Joint Secretaries, Deputy Secretaries and Under Secretaries (including officers of corresponding status) employed in the Government of India Secretariat on the 1st January, 1925, 1930 and 1935

Designation.	1925.		1930.		1935	
	Total No	No of Indians	Total No	No of Indians.	Total No.	No of Indians.
Secretaries .	14	2	17	3	15	4
Joint Secretaries ..	2	Nil	5	1	7	2
Deputy Secretaries ..	20	3	20	5	22	9
Under Secretaries ..	12	6	12	9	11	6
Total ..	48	11	54	18	55	21

Mr. S. Satyamurti : I will put my supplementary questions on this question, Sir, tomorrow, after I have read the statement that has been laid on the table.

Mr. B. Das : Is it not a fact that except the Department of Education, Health and Lands, there is no Indian Deputy Secretary or Joint Secretary or Secretary in any other Department of the Government of India ?

The Honourable Sir Henry Craik : I do not think that is the case.

Mr. B. Das : Is it not a fact that there was a Joint Secretary in the Finance Department and there was a Deputy Secretary in the Home Department and now.....

The Honourable Sir James Grigg : I suggest to my Honourable friend that he should talk to me personally and I will tell him some facts about that which he does not know.

NEGOTIATIONS WITH THE SHAMOZAI TRIBE ON THE NORTH-WEST FRONTIER FOR A FRIENDLY AGREEMENT.

208. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to a telegram from the Free Press of India, dated Simla, the 1st May, regarding negotiation with the Shamozaï tribe on the North-West Frontier for a friendly agreement ;
- (b) whether the facts stated therein are true ; and
- (c) whether any further progress has been made in this matter ?

Mr. J. G. Acheson : (a) Yes.

(b) In the main—the Shamozaï were at their own request permitted, not invited or pressed, to come into a jirga.

(c) Yes ; the road to Loe Agra has since been completed and it has been possible to allow normal traffic across the river.

TRADE NEGOTIATIONS BETWEEN THE UNITED KINGDOM AND ITALY AND INDIA.

209. ***Mr. S. Satyamurti :** Will Government be pleased to state

- (a) whether their attention has been drawn to the statement made by Colonel Colville in the House of Commons, with regard to the trade negotiations between the United Kingdom and Italy ;
- (b) whether the Government of India have made any progress in negotiating such arrangement with the countries mentioned therein ; and
- (c) if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) On the assumption that the Honourable Member is referring to the statement made by Lieut.-Colonel Colville, Secretary of the Department of Overseas Trade, in the House of Commons, on the 29th April, 1935, the reply is in the affirmative

(b) and (c). The countries mentioned by Colonel Colville were, Italy, Turkey, Egypt, Spain, Peru and Uruguay. Representations have already been made in respect of India's trade relations with Italy and Turkey. The trade relations of India with the other countries mentioned do not appear yet to justify the initiation of negotiations.

Mr. M. Ananthasayanam Ayyangar : Is it a fact that all articles from India to Italy have been banned ?

The Honourable Sir Muhammad Zafrullah Khan : No.

TROUBLE ON THE DURAND LINE ON THE NORTH-WEST FRONTIER.

†210. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the telegram of the Free Press of India, dated the 1st May, 1935 from Simla regarding the trouble on the Durand Line on the North-West Frontier ;
- (b) whether the facts stated therein are correct ; and
- (c) whether Government from time to time are prepared to issue authoritative communiqués so as to give accurate and up-to-date information to the public ?

INDIAN AND EUROPEAN ASSOCIATIONS CONSULTED ABOUT THE EXTENSION OF REPRESSIVE LEGISLATION.

211. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they consulted the European Associations in the country with regard to the extension of repressive legislation, some of which expires by the end of this year and if so, which are the Associations they consulted ;
- (b) whether they will place the information they have received on the table of the House, and if not, why not ; and
- (c) whether any Indian Associations were consulted, and if not, why not ?

The Honourable Sir Henry Craik : (a) and (c) No Associations, either European or Indian, was consulted in the matter.

(b) Does not arise.

Mr. S. Satyamurti : Did any Association forward their opinions to the Government of India, without being consulted ?

The Honourable Sir Henry Craik : I think a good many individuals and Associations submitted their opinions to the Government of India.

Mr. S. Satyamurti : Did any Indian Association send its opinion ?

The Honourable Sir Henry Craik : I cannot remember that, but we have had a good many opinions.

Mr. S. Satyamurti : Did any European Association offer any opinion ?

The Honourable Sir Henry Craik : I am not sure about that

Mr. S. Satyamurti : Was any European Association against this Bill ?

The Honourable Sir Henry Craik : I must have notice of that question.

Mr. S. Satyamurti : Was any Indian Association in favour of this Bill ?

The Honourable Sir Henry Craik : There, again, I must have notice.

†For answer to this question, see answer to question No. 197.

CONSUMPTION OF INDIAN LINSEED IN GREAT BRITAIN.

212. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether it is a fact that during the year 1934-35 Great Britain's consumption of Indian linseed dropped by about 65 thousand tons ;
- (b) whether it is a fact that the Argentine imports of linseed increased by ten thousand tons , and
- (c) whether this decline and increase are growing, and what are the latest figures ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The position stated by the Honourable Member is correct as compared with the year 1933-34.

(c) I lay a statement on the table showing the imports of linseed into the United Kingdom from India and Argentine during the three years ending 1934-35 and the months of April to June during 1933, 1934 and 1935. It is not yet possible to say whether the tendency to which the Honourable Member refers still continues.

Statement showing the imports of linseed into the United Kingdom from India and Argentine during the period 1932-33 to 1934-35.

					Total.	From India.	From Argentine.
					Tons.	Tons.	Tons
1932-33	..	..	..	.	338,557	13,520	316,059
1933-34	..	..	..	.	243,474	173,988	67,113
1934-35	..	..	..	.	186,657	108,697	77,411

Statement showing the imports of linseed into the United Kingdom from India and Argentine for the months April to June in the year 1933, 1934 and 1935.

					Total	From India.	From Argentine.
					Tons.	Tons.	Tons.
April 1933	..	..	..	..	23,747	2,220	21,017
May, 1933	..	..	..	..	14,612	4,118	9,486
June, 1933	..	..	..	..	14,128	8,674	4,799
April, 1934	..	..	..	.	19,347	4,928	14,419
May, 1934	..	..	..	..	15,738	10,788	4,950
June, 1934	..	..	..	..	10,617	6,276	4,341
April, 1935	..	..	..	..	10,223	55	17,164
May, 1935	..	..	..	..	16,047	1,742	14,305
June, 1935	..	..	..	..	14,549	7,451	7,087

Mr. S. Satyamurti : In view of the fact that there has been a frantic propaganda about linseed after the Ottawa Agreement, will the Honourable the Commerce Member examine this phenomenal drop, and see how far it is due to mere laws of supply and demand, and preference had nothing to do with it ?

The Honourable Sir Muhammad Zafrullah Khan : Sir, the drop is not phenomenal as a reference to the figures that I have submitted would show. For instance, in 1931-32, the export of linseed from India was 15,933 tons altogether. In 1932-33, it was 13,520 tons. In 1933-34, it was 173,988 tons, and, in 1934-35, it was 108,697 tons. There has been some drop, but I do not think that the inference can be drawn that there has been a phenomenal drop. Besides, it might be due to seasonal factors.

Mr. S. Satyamurti : Is a drop of 65,000 tons only a small one ?

(No answer.)

MURDER OF KHAN SAHEB ZANGI KHAN OF MADDAKHEL, NORTH-WEST FRONTIER.

†1213 ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the *Associated Press* statement published from Peshawar, on the 18th May, regarding the murder of Khan Saheb Zangi Khan of Maddakhel, North-West Frontier ;
- (b) whether the facts stated therein are true ; and
- (c) whether Government will place all the relevant papers on the table of this House ?

COMMITTEE FOR THE CLASSIFICATION OF RAILWAY GOODS.

214 ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the leading article in the *Hindu*, dated the 2nd May and entitled "Railway Goods Classification Committee" ;
- (b) whether they propose to deal with the complaints stated therein ; and
- (c) if so, what steps they will take to meet them ?

Mr. P. R. Rau : (a) Yes.

(b) and (c). The difficulties experienced by the public to which reference is made in the article have been recognised by Railway Administrations, and the investigation, which is at present being made by the Indian Railway Conference Association in connection with the revision of the Railways' General Classification of Goods, has simplification as one of its objects.

Mr. S. Satyamurti : At what stage does this investigation stand ? When was it started, and when is it expected to finish ?

†For answer to this question, see answer to question No 197.

Mr. P. R. Rau : I gave a full reply to this question only last week.

Prof. N. G. Ranga : May I know if the Andhra Chamber of Commerce has brought to the notice of the Honourable Member certain anomalies in the rates classification that prevail on the Madras and Southern Mahratta Railway ?

Mr. P. R. Rau : If my Honourable friend is referring to the interview that I had with the Andhra Chamber of Commerce, I may inform him that they have given me a printed memorandum which is under the consideration of the Railway Board.

Mr. S. Satyamurti : Will Government expedite their decision on this question ?

Mr. P. R. Rau : I informed my Honourable friend last week that Government would do their best to expedite their decision.

Mr. F. E. James : May I ask, Sir, whether there will be another meeting of the conference which was held between the representatives of the Railway Conference and the representatives of the Chambers of Commerce in regard to this classification of rates ?

Mr. P. R. Rau : I have not seen the proceedings of the last Conference, and, I am not sure, whether it was intended that they should meet again.

Prof. N. G. Ranga : Will all the interests concerned—industrial, commercial and agricultural—be given an opportunity of expressing their views before a final decision is reached in regard to this re-classification of rates ?

Mr. P. R. Rau : I think that has always been the intention of the Government.

ARTICLE ENTITLED "THE CIVIL SERVICE BOMB" IN THE *Amrita Bazar Patrika*.

215. ***Mr. S. Satyamurti :** Will Government be pleased to state .

- (a) whether their attention has been drawn to an article, entitled "The Civil Service Bomb", in the *Amrita Bazar Patrika* ;
- (b) whether they propose to follow up the publication of this circular with a view to finding out the real authors thereof ; and
- (c) whether they propose to take any disciplinary action against them, and if not, why not ?

The Honourable Sir Henry Craik : (a) Yes, Sir.

(b) No.

(c) No, because the opinions expressed in the note were private opinions which were never intended for publication

Mr. S. Satyamurti : Is it the position of the Government of India that their services can express any opinions in private for being considered by Service Associations, however much they may be against the policy of the Government ?

The Honourable Sir Henry Craik : I do not see how the Government of India can stop it.

Mr. S. Satyamurti : May I ask if these opinions were expressed by these Honourable gentlemen as memoranda for the Bengal Civil Service Association ?

The Honourable Sir Henry Craik : The suggestions contained in that circular were rejected by the Bengal Civil Service Association.

Mr. S. Satyamurti : Do Government, therefore, propose to take no action against these gentlemen whose opinions clearly show that they are against even the reactionary Government of India Act, now placed on the Statute-book ?

The Honourable Sir Henry Craik : We do not punish people for holding private opinions about certain subjects.

Mr. S. Satyamurti : Even though such opinions are expressed publicly ?

The Honourable Sir Henry Craik : No ; they were expressed privately.

Mr. S. Satyamurti : Not even under the Press Act, can you punish them ?

The Honourable Sir Henry Craik : Only if they are published.

ABOLITION OF THE EXISTING FRANCHISE ENJOYED BY INDIANS IN FIJI.

216. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the fact that a proposal is on foot in Fiji to abolish the existing franchise enjoyed by the Indians there ;
- (b) if hereafter they will be represented on the legislature by the nominees of the Government ;
- (c) whether the Government of India were consulted in this matter, and what their opinion was ; and
- (d) whether Government propose to start enquiries in the matter and take steps to see that the legitimate rights of Indians are protected ?

Sir Girja Shankar Bajpai : (a) to (d). The attention of the Honourable Member is invited to the answer given by me on the 5th September, 1935, to Mr. Avinashilingam Chettiar's question No. 149.

APPOINTMENT OF A BOARD OF NON-OFFICIAL VISITORS TO THE ANDAMANS.

217. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the date on which they invited Dewan Bahadur Gopathy Narayanasamy Chettiar to visit Port Blair in the Andamans ;
- (b) the reasons why they invited him to do so ;
- (c) whether Government met the cost of his trip to and fro, and if so, why ;
- (d) whether this visit was planned after the letter of Mr. Mohan Lal Saksena to Government on this subject ;

(e) whether Government are proceeding with their scheme to appoint a board of non-official visitors to the Andamans ; and

(f) if so, at what stage the matter stands and when it will be completed ?

The Honourable Sir Henry Craik : (a) to (c). The Government of India did not invite Diwan Bahadur G. Narayanaswami Chetti to visit Port Blair. In September, 1933, he asked for permission to visit the Andamans. The permission was granted in November, 1933, as a special case, as the Diwan Bahadur has taken an active interest in prison administration and prison reform in India. Circumstances prevented him from paying the visit till April, 1935. The expenses of the journey to and from Port Blair were paid by the Diwan Bahadur himself.

(d) No.

(e) and (f). The question is under consideration. I hope to discuss it further with the Chief Commissioner who is likely to visit Delhi during the cold weather.

Mr. S. Satyamurti : May I know what are the general principles on which permission is given or refused to gentlemen who want to visit Port Blair ?

The Honourable Sir Henry Craik : I do not know if there are any general principles.

Mr. S. Satyamurti : May I know why permission was refused to a Member of this Honourable House, while permission was given to a Member of another House ?

The Honourable Sir Henry Craik : The reason why permission was refused to a Member of this House is the subject of a later question.

Prof. N. G. Ranga : Why was this special treatment accorded to Diwan Bahadur Narayanaswami Chetty to visit the Andamans ? Is it because that he has been notorious in keeping down the amenities of " C " class prisoners in Madras ?

Mr. S. Satyamurti : May I know if the Diwan Bahadur is a " friendly " person to Government, as there are friendly Presses ? Is it because of his being a friend of the Government of India that he was permitted to visit Port Blair ?

The Honourable Sir Henry Craik : He is a friend of mine, although I was not a Member of the Government at the time when permission was given to him.

Mr. S. Satyamurti : May I know whether Government have perused his description of Port Blair as an Utopia, and do they propose to transfer their headquarters to Port Blair for some time ?

Mr. F. E. James : May I ask, with the permission of my Honourable friend, Mr. Satyamurti, whether it is not a fact that Diwan Bahadur Narayanaswami Chetty has for years past been interested in the general question of prison administration and is, in fact, one of the prime movers of Discharged Prisoners' Aid Society both in Madras and in Delhi and Simla ?

Mr. S. Satyamurti : The Honourable Member is giving information, and not asking a question.

Prof. N. G. Ranga : He is also a friend of the Madras Government.

The Honourable Sir Henry Craik : Yes, Sir. The Diwan Bahadur is a well known authority on prison administration, and prison reform. I think he was the founder of, or, at any rate, he was instrumental in founding, the Prisoners' Aid Society in Madras.

Mr. S. Satyamurti : Is it not a fact that his is a faithful echo of "His Master's Voice" ?

POSSIBILITY OF GIVING WARNINGS TO THE PUBLIC ABOUT IMPENDING EARTHQUAKES.

218 ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the question answered in the House of Commons about the possibility of giving warnings to the public about impending earthquakes ;
- (b) whether Government have taken any action in the matter ; and
- (c) if so, with what result ?

The Honourable Mr. D. G. Mitchell : (a) Yes.

(b) and (c). The Government of India have consulted the Director General of Observatories whose opinion is that there is no practical method of giving warnings of impending earthquakes. He has, however, suggested that a special research organisation is needed to study earthquakes in India, and this suggestion is now under consideration.

REFUSAL OF PERMISSION TO PUBLIC ORGANISATIONS TO PROCEED TO QUETTA FOR EARTHQUAKE RELIEF WORK.

219. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether the President of the Indian National Congress appealed to the Viceroy and the Government of India to permit *bonâ fide* public organisations, including the Indian National Congress, to proceed to Quetta after the earthquake in order to help in giving relief ;
- (b) whether such permission was given or was refused ; and
- (c) if it was refused, the reasons why it was refused ?

The Honourable Sir Henry Craik : (a) The answer to the first part of the question is in the affirmative.

(b) The permission was refused.

(c) The reasons for refusal were stated in paragraph 3 of the Communiqué issued to the Press on the 5th June, 1935, copies of which will be found in the Library.

Mr S. Satyamurti : Were there any political reasons for the refusal of permission, for example, that the Indian National Congress shall not be allowed to add to its prestige by doing humanitarian work in Quetta, as they did in Bihar, during the last earthquake there ?

The Honourable Sir Henry Craik : No reasons of that kind.

Mr. S. Satyamurti : Were there any military reasons why strangers should not be allowed to see the havoc done by the earthquake in and around Quetta ?

The Honourable Sir Henry Craik : Not that I am aware of.

Mr. S. Satyamurti : Was this the reason—that the salvage work was stopped too early by Government, and, therefore, they did not want strangers and outsiders to come and see for themselves, in order to form their own conclusions, as to the right or wrong of having stopped the salvage work too early by Government ?

The Honourable Sir Henry Craik : I do not admit that the premises on which the Honourable Member's presumption is founded are correct.

ORGANISATION OF SUGAR MARKETING.

220. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the paper read by Mr. V. C. Bhatt before the Royal Society of Arts, London, on India's sugar industry ;
- (b) whether Government propose to take any steps for the better organisation of sugar marketing ;
- (c) whether a Sugar Bureau is proposed to be started for a self-supporting information service ; and
- (d) what other steps Government propose to take in this matter ?

Sir Girja Shankar Bajpai : (a) The Government of India are not aware of any paper read by Mr. ' V. C. Bhatt ' before the Royal Society of Arts, London. Presumably my Honourable friend came across a Tamil variant of B. C. Burt's. This officer has contributed a paper to the Journal of the Royal Society of London and Government have seen that.

(b) and (d). This matter has been taken up by the Indian Sugar Mills' Association and by the Indian Sugar Producers' Association. The Sugar Technologist, Imperial Council of Agricultural Research, has given them all the technical assistance required in the preparation of standards of Indian factory sugars, and is Chairman of a small committee set up by the Imperial Council of Agricultural Research for this purpose. Funds for the preparation of standards were provided by the Imperial Council of Agricultural Research. It is expected that these Standards which will be prepared annually, will be on sale shortly to all requiring them.

(c) A sugar Bureau has been in existence for many years. An Indian Trade Sugar Information Service on a self-supporting basis has been in operation since April, 1934, while a Sugar Cable Information Service, which is also self-supporting and which gives to subscribers information about sugar prices, production, crop prospects in foreign countries, has been functioning since 1922.

Mr. S. Satyamurti : I plead guilty to the charge of reading Tamil pamphlets and newspapers. May I ask the Honourable Member

whether these departments are on a permanent basis, or on a temporary basis ?

Sir Girja Shankar Bajpai : I am not quite sure to which departments my Honourable friend refers. The Imperial Council of Agricultural Research is a department on a permanent basis.

Mr. S. Satyamurti : Although on a supplementary grant ! I am asking whether these research departments which my Honourable friend mentioned just now, in reply to part (c) of my question, are on a permanent basis, or on a temporary basis ?

Sir Girja Shankar Bajpai : The position as regards that is that the Sugar Technologist who forms part of the Department of Imperial Council of Agricultural Research is, I believe, on contract. This particular Research into Sugar standards is only a temporary thing for two or three years, I believe.

Mr. M. Ananthasayanam Ayyangar : Has the Imperial Council of Agricultural Research evolved a scheme for making India self-sufficient in the production of sugar ?

Sir Girja Shankar Bajpai : I do not think that is the function of the Imperial Council of Agricultural Research.

PROPOSAL TO ESTABLISH A SWADESHI AUTOMOBILE INDUSTRY IN INDIA.

221. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether certain businessmen of Bombay, or any other place in India, approached the Government of India with regard to a proposal to start and establish a swadeshi automobile industry in India ;
- (b) what their reply to the request was ; and
- (c) what steps Government propose to take in this matter ?

The Honourable Mr. D. G. Mitchell : (a) No.

(b) and (c). Do not arise

Mr. S. Satyamurti : May I know if Government will apply to them the same standard as the Griggian standard that they must be self-sufficient five years hence, before they give them any facilities ?

The Honourable Mr. D. G. Mitchell : The question has not yet arisen

RAISING OF NEW LOANS.

222. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they propose to raise any new loans this year ;
- (b) whether those loans will be raised in India or in England ; and
- (c) if the reply to part (a) be in the affirmative, what the terms and conditions will be ?

The Honourable Sir James Grigg : One sterling and one rupee loan have already been raised and the terms and results have been published in the Press. As regards the question of further loans I do not think it is in the public interest that I should make any statement.

Mr. S. Satyamurti : Are Government considering any proposals for raising loans for conversion purposes ?

The Honourable Sir James Grigg : I do not quite know what the Honourable Member means. The whole debt programme of the Government of India is constantly under review and Government embark on conversions at the earliest moment when they are likely to give good results. It is a continuous process.

Mr. S. Satyamurti : Apart from the maturing programme, are Government constantly considering the question of using the present low rates of interest in the money market, to give relief to the Indian tax-payer by way of conversion ?

The Honourable Sir James Grigg : Certainly, but, of course, each conversion is a question of the rights of the existing holders. You cannot force them out, you can only persuade them out ; and sometimes it is rather more expensive to persuade them than is worth while.

Mr. S. Satyamurti : Then, why does not the Honourable Member consider the question of buying them out, and thus follow the right British precedent ?

The Honourable Sir James Grigg : I am certainly prepared to consider buying them out at any time when it gives favourable results.

Prof. N. G. Ranga : What were the respective rates of interest paid on these two loans ?

The Honourable Sir James Grigg : I think the London one was about 3.1/6 and the Indian one a shade under 3½ ; that is including redemption.

RISE IN THE PRICE OF SILVER.

223. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have considered the situation arising out of the continued rise in the price of silver ;
- (b) whether they have considered the desirability and practicability of introducing the Government of India Rupee Securities on the London Stock Exchange ; and
- (c) what the precautions are, if any, which Government propose to take to see that the Rupee does not go out of circulation, and an inconvenient demand does not arise for the conversion of currency notes into silver rupees ?

The Honourable Sir James Grigg : (a) It is not quite accurate to say that there has been a continued rise in the price of silver. During April the price rose from about Rs. 68 to Rs. 84 per 100 tolas. It has since dropped to something in the neighbourhood of Rs. 65.

(b) and (c). Government have naturally been keeping a close watch on events and will continue to do so but I cannot say now what action they will find it necessary to take in any particular situation.

Mr. S. Satyamurti : With regard to the answer to clause (b), may I know whether Government have considered this particular sugges-

tion of mine of introducing Rupee Securities on the London Stock Exchange ?

The Honourable Sir James Grigg : To be quite honest with the Honourable Member, I was not quite certain what the suggestion was, because the quotation of securities in other currencies on the London Stock Exchange is entirely a matter for the Committee of that Exchange.

Mr. S. Satyamurti : Have Government made a representation to that Committee ?

The Honourable Sir James Grigg : No, Sir.

Mr. S. Satyamurti : Why, Sir ?

The Honourable Sir James Grigg : Because Government do not consider that it is necessary.

Mr. S. Satyamurti : Is it not desirable ?

The Honourable Sir James Grigg : I think probably not.

Mr. S. Satyamurti : Have Government examined this question with any seriousness and with expert information, or is it case of off-hand opinion ?

The Honourable Sir James Grigg : It all depends on how the Honourable Member regards my opinion. If I am an expert, then it has been considered by an expert

Mr. S. Satyamurti : Unfortunately you are. But, with regard to the answer to clause (c), what steps have Government considered in connection with this matter ?

The Honourable Sir James Grigg : I do not think I can answer that.

Mr. S. Satyamurti : Is there any possibility of that kind ?

The Honourable Sir James Grigg : That is a matter of opinion, and one opinion is obviously held by the Bombay Bullion Market.

Mr. S. Satyamurti : What is the expert's opinion ?

The Honourable Sir James Grigg : I think the expert's opinions are in number equal to the number of experts.

Mr. S. Satyamurti : What is the Finance Member's opinion ?

The Honourable Sir James Grigg : I cannot give you that

Mr. M. Ananthasayanam Ayyangar : What is the quantity of silver sold by the Government of India ?

The Honourable Sir James Grigg : There is a question on that later on

DEFAMATORY PASSAGES ABOUT INDIANS IN A PUBLICATION ENTITLED "SOUVENIR PROGRAMME OF MALAYAN CELEBRATIONS".

224. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to a publication entitled "Souvenir Programme of Malayan Celebrations" of the Silver Jubilee of His Majesty the King, issued by Messrs. T. B. Rogers and Co., Ltd., and edited by James H. Martin ;

(b) whether their attention has been drawn to the defamatory passages about Indians in that publication ; and

(c) whether Government propose to proscribe the book or take any other steps in order to prevent such defamation ?

Sir Girja Shankar Bajpai : (a) and (b). Yes.

(c) As the Honourable Member is probably aware a representation against the passages referred to by him was made on behalf of the Indian community in Malaya to the Government of the Colony. In Government's reply, which was widely published, His Excellency the Governor expressed, on behalf of the general public, his profound regret that the reputation of the Indian community should have been subjected to such an odious and unjustified attack. The publishers also agreed to expunge the offending passages from the unsold copies of the publication. The Government of India were advised by their Agent in Malaya that no further action was necessary on their part and they accepted this advice.

Mr. S. Satyamurti : With regard to clause (c), I got no answer. May I know whether this Government propose to take any steps to proscribe that book in India ?

Sir Girja Shankar Bajpai : The Government of India are not aware that any copies of this book have actually reached this country. Their information is that this was a publication of entirely local interest printed exclusively for local circulation.

Mr. S. Satyamurti : But have Government considered the possibility of this book being introduced into India, and do they proscribe books only after they arrive here, and never before ?

Sir Girja Shankar Bajpai : The Government of India consider it extremely unlikely that a supplement to a newspaper of purely local interest will reach this country. If my Honourable friend has information to the contrary in his possession, I shall be very glad to bring to the notice of the department concerned the question of restrictive action.

Mr. S. Satyamurti : May I know why my Honourable friend is answering this question when the Department concerned is not answering it ?

Sir Girja Shankar Bajpai : I am speaking on behalf of the Department of Education, Health and Lands, which is primarily concerned with Indians overseas.

RATE-WAR BETWEEN THE BRITISH INDIA STEAM NAVIGATION COMPANY AND THE AGARWAL STEAM NAVIGATION COMPANY.

†225. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they have received any representation from Mr. Ganga Singh, M.L.C., and Mr. S. C. Bhattacharjee, editor of the *Rangoon Mail*, about the rate-war started by the B. I. S. N. Rangoon-Calcutta line against its new rival, the Agarwal Steam Navigation Company ; and

†For answer to this question, see answer to question No. 200.

- (b) whether they propose to interfere, in the larger interests of the public, and stop this rate-war, and reduce the passage fares between India and the Rangoon ports to the economic level prevailing immediately before the war ?

TRANSFERS FROM THE BRITISH SERVICES TO THE INDIAN ARMY.

226. *Mr S Satyamurti : Will Government be pleased to state .

- (a) whether it has been decided to re-open the transfers from the British Services to the Indian Army, which had been closed for the last four years ;
- (b) whether officers commissioned between 1921—30 will be accepted for transfer ; and
- (c) whether this arrangement will entail extra cost to the Indian Exchequer, and if so, how much ?

Mr. G. R. F. Tottenham : (a) and (b) Yes

(c) No.

Mr. S. Satyamurti : Is there no proposal to transfer more Indian senior officers now, than before, to the Indian army ?

Mr. G. R. F. Tottenham : Wherefrom ?

Mr S. Satyamurti : From the British army ?

Mr. G. R. F. Tottenham : There are no Indian officers in the British army

APPOINTMENT OF DELIMITATION COMMITTEES.

227. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) whether they are aware that Delimitation Committees have been appointed by Madras and by other provinces ;
- (b) whether the Government of India were consulted in this matter ; and
- (c) what the functions and powers of these Delimitation Committees are ?

The Honourable Sir Nripendra Sircar : (a) Yes.

(b) No.

(c) The functions of these Committees are advisory and relate to matters pertaining to the delimitation of constituencies and connected electoral points referred to in the terms of reference to the Indian Delimitation Committee in respect of the future Legislatures.

Mr. S. Satyamurti : May I know if these Provincial Governments have appointed these delimitation committees, without any reference to the Government of India at all ?

The Honourable Sir Nripendra Sircar : I have answered the question whether the Government of India were consulted in this matter in the negative.

Mr. S. Satyamurti : Does my Honourable friend draw a distinction between consultation and reference ?

The Honourable Sir Nripendra Sircar : What is exactly meant by reference ?

Mr. S. Satyamurti : I think my Honourable friend knows it better than I do.

The Honourable Sir Nripendra Sircar : We were not consulted.

Mr. S. Satyamurti : Were you informed about it ?

The Honourable Sir Nripendra Sircar : Yes, we were.

Mr. S. Satyamurti : And what was your answer ?

The Honourable Sir Nripendra Sircar : The answer was acknowledgment. It is a matter for the provincial committees to decide. We gave them no directions, and that is why I said that we were not consulted.

Mr. S. Satyamurti : Do the Government of India contemplate varieties of voting and constituencies in the various provinces, and do they leave absolute discretion to the provinces to evolve fancy franchises, fancy votes, and fancy constituencies ?

The Honourable Sir Nripendra Sircar : I object to all these insinuations in the question about fancy this and fancy that, and, if my Honourable friend will properly put the question, I will answer him.

Mr. S. Satyamurti : There is no insinuation. In Madras, for example, they have suggested single transferable votes. I am asking whether the Government of India do not consider some amount of uniformity necessary in the working of the various provincial franchises.

The Honourable Sir Nripendra Sircar : That is a matter for the Committee to consider and uniformity is impossible, for conditions in the different provinces are absolutely different.

Seth Govind Das : Are Government aware that, as far as the Central Provinces Delimitation Committee is concerned and its work is concerned, there is great dissatisfaction felt by the northern districts ?

The Honourable Sir Nripendra Sircar : We have no specific knowledge, but we know this much that whatever is done will cause dissatisfaction to some part of the provinces.

Mr. S. Satyamurti : My question is this. Do the Government of India propose at any time to examine the proposals of these committees with a view to testing their soundness, their practicability, and their facility to promote the working of democratic institutions in this country, or do they propose to observe benevolent neutrality in these matters ?

The Honourable Sir Nripendra Sircar : Whether they will adopt an attitude of benevolent neutrality or malevolent neutrality or whether they will take up belligerent attitude are matters on which no final decision has been arrived at.

Mr. S. Satyamurti : My question was whether this Government proposed to examine these various proposals of the provincial com-

mittees with a view to testing their soundness, practicability, and their fitness for democratic institutions : do they or do they not ?

The Honourable Sir Nripendra Sircar : What the Government of India will do in the future is a matter about which there is at present no final decision.

Mr. S. Satyamurti : Questions can be asked only about the future course of Government action.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair thinks, the Honourable Member has answered it : he has said that he has not arrived at any decision.

Mr S. Satyamurti : I take it from you, Sir.

UNSTARRED QUESTIONS AND ANSWERS.

APPOINTMENT OF ASSAMESE IN CERTAIN APPOINTMENTS IN THE COMPTROLLER'S OFFICE, ASSAM.

23. **Srijut N. C. Bardaloi :** (a) Will Government state whether the number of appointments in the Comptroller's Office in Assam, Shillong, are filled up as follows ?

Kind of service.	No.	Hindus of Bengali race including Sylhet Bengalees.	Others.
(i) All India Service,	2	1	1
(ii) Assistant account officers .	3	3	<i>Nil.</i>
(iii) Superintendents and Senior Assistants	17	17	<i>Nil.</i>
(iv) Divisional accountants ..	3	3	<i>Nil.</i>
(v) Clerks	112	90	22
(vi) Typists and stenographers ..	4	3	1
(vii) Record clerks	12	6	6

(b) Is it a fact that prior to 1929 Non-Bengali candidates had to pass an office test whereas Bengali Hindus were exempted from passing that test ?

(c) Is it a fact that since 1929 recruitments are made direct without any test in the proportion of two Hindus and one Muhammadan ?

(d) Is it a fact that the number of Hindus in the Assam Valley Districts of Assamese race far out-number the Hindus of the Surma Valley who are Bengalis by race ?

(e) Will Government please state how many Assamese are there in the list given above and how many Hindus of the Surma Valley are appointed till now ?

(f) Apart from the all-India services, is it not the policy of Government to distribute posts and preferments equitably among all communities and races ?

(g) Is it a fact that the selecting officers in the Comptroller's Department are two Bengalis and an Anglo-Indian ?

(h) Are Government aware of the fact that the Gauhati College and the Calcutta Colleges are turning out scores of Assamese graduates every year, and that great discontent among Assamese youths for being deprived of their legitimate shares in the posts of these lucrative Departments is prevalent? Are Government prepared to re-shuffle the posts of these Departments and fix a proportion of appointments to be given to the Assamese according to their population in the Province?

The Honourable Sir James Grigg : The information is being obtained and will be laid on the table of the House in due course.

PERIODICAL TRANSFER OF THE SUPERVISING OFFICIALS IN THE MADRAS CUSTOMS HOUSE.

24. Mr. B. B. Varma : (a) Will Government be pleased to state whether it is a fact that the present Assistant Collectors and Chief Inspector of the Madras Customs House have been working in the Madras Port for many years, and if so, will Government please state the number of years each official, referred to, has been working in the Port?

(b) Will Government be pleased to state whether it is a fact that the supervising officials of the Madras Customs House belong to all-India cadre and are liable to transfer to other Ports?

(c) Is it a fact that in the Salt Department amalgamated with Customs recently, supervising officials are not posted continuously in the same station for many years in public interest?

(d) Will Government be pleased to state whether they are aware that only two or three sample packages of cement bags, imported fruits, etc., are reserved for weighing while the rest of the goods go unchecked and, if the reply is in the affirmative, are Government aware that considerable customs revenue is lost by this defective procedure?

(e) Do Government propose to arrange for periodical transfer of the supervising officials posted to the Madras Customs House?

Mr. A. H. Lloyd : (a) The two Assistant Collectors have been serving at Madras in their present capacity since 1927 and 1929, respectively. The Chief Inspector has held his present appointment since 1921.

(d) Only the Collector and the Assistant Collectors, who are members of the Imperial Customs Service, are liable to transfer. One of the present Assistant Collectors was promoted from a class II appointment in the Madras Custom House and normally such are retained at the Port where they have served before such promotion.

(d) Government have no reason to believe that the procedure adopted at Madras is defective or results in loss of revenue.

(c) and (e). Both in the Customs Department and in the Salt Department transfers are effected only when they are in the public interest and not after any fixed periods.

GRIEVANCES OF THE STAFF ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

25. Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that the relieving staff on the Bombay, Baroda and Central India Railway is sufficient only to cope with the cases of ordinary leave?

(b) If the answer to the above question be in the affirmative, will Government please state what steps they intend to take to remove the grievances of the Bombay, Baroda and Central India Railway employees with special reference to leave ?

(c) Is it further a fact that the Railway staff between Bayana-Agra section, specially at Fatehpur Sikri station, had to be on duty more than 84 hours a week ? If so, do Government propose to take steps to stop this over-work ?

(d) Is it a fact that this Railway Staff gets no holiday either on Sundays or on any gazetted holiday ?

Mr. P. R. Rau : (a) and (b). Government have no information. The staff of the Bombay, Baroda and Central India Railway are not Government servants and the Agent is competent to deal with the matter.

(c) and (d). Government have no information. The Hours of Employment Regulations are being introduced on the Bombay, Baroda and Central India Railway with effect from the 1st November, 1935, and any departure from these Regulations thereafter will be investigated by the Supervisor of Railway Labour and brought to the notice of Government.

REFUSAL OF LEAVE TO THE RAILWAY STAFF OF THE MORADABAD DIVISION.

26. Pandit Sri Krishna Datta Paliwal : (a) Is it a fact that the Railway Staff of the Moradabad Division is not granted leave when they apply for it ?

(b) Is it also a fact that they are not granted even casual leave ?

Mr. P. R. Rau : (a) and (b). Government have no reason to believe that the facts are as stated.

FREE QUARTERS FOR THE COMMERCIAL STAFF AT CERTAIN STATIONS IN THE MORADABAD DIVISION.

27. Pandit Sri Krishna Datta Paliwal : Will Government please state if it is a fact that the commercial staff at certain stations in the Moradabad Division are not supplied with free quarters in preference to the transportation staff ? Is it a fact that they too have to perform night duties, etc. ? If so, why are the former not supplied with free quarters ?

Mr. P. R. Rau : Government have no information but have forwarded a copy of the question to the Agent, East Indian Railway, to consider whether any action is required.

DIFFERENCE IN THE SCALES OF PAY OF THE GOODS CLERK AND BOOKING CLERK.

28. Pandit Sri Krishna Datta Paliwal : (a) Is it a fact that a difference in the scales of pay of the goods clerk and booking clerk has been enforced since the 1st November, 1928, in favour of the former ? If so, why ?

(b) Is there a difference in the scale of pay of the office clerks and the time clerk, which favours the former ? If so, why ?

Mr. P. R. Rau : Government have no information. These question have been left by them to the Agents of State-managed Railways to deal with.

WANT OF DIRECT TRAIN CONNECTION BETWEEN MUTTRA AND ALLAHABAD.

29. Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that there is no direct train connection between Muttra and Allahabad, the two great cities of pilgrimage for Hindus ?

(b) Are Government aware that on account of the insufficient lighting arrangements and very little interval between the two (Bombay, Baroda and Central India and East Indian Railways) night trains at the Hathras Junction the passengers are put to very great inconvenience ?

(c) If the answer to the above two parts be in the affirmative, what steps do Government propose to take to remove the grievances ?

Mr. P. R. Rau : (a) Yes. Through trains between Howrah and Muttra were run prior to 1st March, 1931, but the service was discontinued as the number of long distance passengers entraining and detraining at Muttra did not justify its continuance. The total number of tickets issued from Allahabad to and *via* Muttra and to stations in the Agra area and *via* for a period of twelve months ending June, 1934, averaged 29 per day.

(b) and (c). The Agent states that the station is lit by four high power lamps and nineteen ordinary platform lamps and that he has not been able to trace any complaints regarding the lighting arrangements at the station. He is, however, having the matter looked into further to see if there are any grounds for complaint.

The interval between the arrival of the East Indian Railway's train and the departure of the Bombay, Baroda and Central India Railway's train is 21 minutes. This does not appear to be inadequate.

REBATE ALLOWED BY THE LEADING SHIPPING COMPANIES FOR PASSAGES TO EUROPE FOR RAILWAY SERVANTS.

30. Mr. V. V. Giri : (a) Will Government be pleased to state whether it is a fact that several shipping companies allow a rebate of about 5 per cent. on the passages for railway servants ? If not, will Government state the exact amount of rebate allowed by leading companies for passages to Europe ?

(b) Is it a fact that the Railway Board used to deduct rebate amounts from the passage money allowed to railway officers or officials entitled to the Lee Concessions up to August, 1934 ?

(c) Will Government please state the amounts credited to railway revenues on each State-owned Railway in regard to rebates allowed on passage money from the time the Lee concessions were sanctioned ?

(d) Will Government state whether it is a fact that the Railway Board have decided to allow railway officials to pocket rebates on passage money allowed under the Lee Concessions and, if so, will Government be pleased to state the actual loss suffered on each Class I Railway by allowing this concession over and above the actual cost of passages ?

Mr. P. R. Rau : (a) Government understand that some shipping companies grant a rebate on passages booked by railway servants whether at their own expense or as part of the Lee Concessions Government are not aware of the exact amount in all cases

(b), (c) and (d). These rebates were not, so far as Government is aware, credited to railway revenues. Originally they were credited to the passage accounts of the officers concerned ; later it was decided that the rebates, when allowed by the companies, may be received by the officers in cash. This decision did not ultimately make any difference so far as railway revenues were concerned ; but the whole question of whether such rebates should be brought into the Government accounts at all and, if so, how they are to be accounted for, is being reconsidered.

FREIGHT CHARGED ON CERTAIN CLASSES OF GOODS.

31. M. V. V. Giri : Will Government be pleased to state the freight charged on goods classified under several classes of general goods classification on each Class I Railway, within the minima and maxima prescribed by the Railway Board ?

Mr. P. R. Rau : For the purpose of freight rates, commodities are placed in ten different classes, I attach a statement giving the maximum and minimum rates per maund per mile for each class

Within the maxima and minima, Railway Administrations are empowered to quote such rates as circumstances require. The rates actually charged are notified by the different Railway Administrations in their Goods Tariffs.

Statement

Class.								Minimum.	Maximum.
								Pie.	Pie.
1	.	.	.	..	.	..		10	38
2	..	..	..	.	..	..	..	10	42
3	..	..	..	.		..	.	166	58
4	..	..	.	..	..	..	..	166	62
5	..	.	.	.	.	.	..	166	77
6	..	.			..	.	..	166	83
7	..		.		..			166	96
8	.	..	.	..		..	..	166	1 04
9	..	..	..	..	.	..	..	166	1.26
10	..	..	..	.	..		.	166	1.87

COST OF REPAIR AND MAINTENANCE INCURRED ON ROLLING STOCK ON RAILWAYS.

32. Mr. V. V. Giri : Will Government be pleased to state the average cost of repair and maintenance incurred on each unit of rolling stock condemned in 1933-34 and 1934-35 on each Class I Railway ?

Mr. P. R. Rau : I am unable to understand the Honourable Member's question. Condemned rolling stock is usually broken up and

serviceable material obtained therefrom is again used. The remainder is sold as scrap. No cost is incurred on repair and maintenance on these.

OUTPUT CAPACITY OF THE TATANAGAR RAILWAY WORKSHOPS AND OTHER WORKSHOPS FOR MANUFACTURE OF CARRIAGE AND WAGON UNDER-FRAMES.

33. **Mr. V. V. Giri** : Will Government be pleased to state the maximum output capacity of the Tatanagar Railway Workshops and other workshops owned by Government for manufacture of carriage and wagon under-frames ?

Mr. P. R. Rau : The capacity of the Tatanagar Workshops per annum is 550 I. R. S. Broad Gauge 68'—0" Bogie under-frames or 2,200 I. R. S Broad Gauge 4-wheeled wagon under-frames.

The only other Railway Workshop undertaking the manufacture of under-frames is the Ajmer Workshop of the Bombay, Baroda and Central India Railway. Its annual capacity is 75 Metre Gauge Bogie carriage under-frames *plus* 800 Metre Gauge 4-wheeled wagon under-frames.

MANUFACTURE OF LOCOMOTIVE BOILERS IN RAILWAY WORKSHOPS.

34. **Mr. V. V. Giri** : Is it a fact that locomotive boilers used to be manufactured in several railway workshops, and if so, will Government please state the difference in cost in manufacture in railway workshops and outside ?

Mr. P. R. Rau : I believe that many years ago locomotive boilers used to be manufactured in one or two of the railway workshops : at present the only workshop that undertakes the manufacture is the Bombay, Baroda and Central India Railway Workshop at Ajmer. I am endeavouring to obtain the cost of manufacture at Ajmer and the cost of purchase of a similar boiler from outside. I shall lay a statement on the table later.

INTEREST ALLOWED ON PROVIDENT FUND DEPOSITS OF RAILWAY SERVANTS.

35. **Mr. V. V. Giri** : Will Government be pleased to state the actual interest allowed on the Provident Fund assets of the railway servants in the last ten years ?

Mr. P. R. Rau : A statement showing the rate of interest allowed on all provident fund deposits (including deposits of servants of State-managed Railways) for the last ten years is attached. Servants of the Assam Bengal, Bombay, Baroda and Central India, Bengal Nagpur, Madras and Southern Mahratta and South Indian Railways have also, during the period in question, been allowed the same rates

Year.							Rate of interest.
1926-27	.	..	..	.	.	..	5½%
1927-28	..	..	..	.	.	..	4½%
1928-29	..	..	..	..	.	..	4½%
1929-30	..	..	..	..	..	..	4½%
1930-31	..	.	..	..	.	..	5%
1931-32	.	..	..	..	..	..	5%
1932-33	..	..	..	..	..	.	5.25%
1933-34	..	..	..	..	..	.	5.5%
1934-35	..	..	..	..	.	..	5.25%
1935-36	..	..	..	..	..	..	5%

INTEREST ALLOWED IN CALCULATING COMMUTATION VALUE OF PENSIONS.

36. **Mr. V. V. Giri** : Will Government be pleased to state the amount of interest allowed in calculating commutation value of pensions each year since 1921 in regard to Government pensions ?

The Honourable Sir James Grigg : A statement is laid on the table.

Statement.

For applications made in India.		For applications made in the United Kingdom.	
Period.	Rate of interest	Period.	Rate of interest.
From the 1st January, 1921 to the 13th June, 1921.	3½ per cent per annum.	From the 1st January, 1921 to the 14th January, 1925.	6 per cent. per annum.
14th June, 1921 to the 31st March, 1927.	5½ per cent per annum.	15th January, 1926 to the 16th March, 1927.	5½ per cent. per annum.
1st April, 1927 to the 3rd December, 1928.	4½ per cent per annum.	17th March, 1927 to the 3rd December, 1928.	4½ per cent. per annum.

For officers of Asiatic domicile		For other officers.	
Period.	Rate of interest.	Period.	Rate of interest.
From the 4th December, 1928 to the 31st March, 1930.	4½ per cent. per annum.	From the 4th December, 1928 to the 31st March, 1930.	4½ per cent. per annum.
1st April, 1930 to the 31st July, 1933.	5 per cent. per annum.	1st April, 1930 to the 31st May, 1933	5 per cent. per annum.
1st August, 1933 to the 15th September, 1934	4½ per cent per annum.	1st June, 1933 to the 15th July, 1934.	4½ per cent. per annum.
16th September, 1934 onwards .	4½ per cent. per annum.	16th July, 1934 onwards ..	4½ per cent. per annum.

ADDITIONAL APPOINTMENTS AND RETRENCHED EMPLOYEES ON STATE RAILWAYS.

37. **Mr. V. V. Giri** : (a) Will Government be pleased to state the number of additional appointments of officers on all State-owned Class I Railways after retrenchment campaign of 1931 ?

(b) Will Government be pleased to state the number of retrenched persons taken back into service on old scales and on lesser paid scales of pay, respectively, on each Class I Railway since 14th July, 1931 ?

(c) Will Government be pleased to state the number of retrenched employees now on the waiting list of each Class I Railway ?

Mr. P. R. Rau : (a) I would invite the Honourable Member's attention to the statement showing the number of appointments created and vacancies which occurred among officers of gazetted rank on State Railways and of corresponding rank on Companies Railways which appears as appendix ' G ' to Volume I of the Annual Report by the Railway Board on Indian Railways, for 1931-32, 1932-33 and 1933-34.

(b) and (c). The available information is contained in the statement laid on the table of the House on the 2nd September, 1935, in connection with starred question No. 158 asked by Mr. V. V. Giri on the 12th February, 1935. All persons who were originally appointed before the 16th July, 1931, were, when re-employed after retrenchment in accordance with the existing orders, eligible for the old scales of pay.

MOTOR BUSES RUN BY THE RAILWAYS.

38. Mr. V. V. Giri : Will Government be pleased to state the number of motor buses run by the Railways under the provisions of the Indian Railways (Amendment) Act of 1934 ?

Mr. P. R. Rau : None.

CONSTITUTION OF A JOINT STANDING MACHINERY ON RAILWAYS.

39. Mr. V. V. Giri : Will Government be pleased to state when they propose to arrive at a decision regarding the constitution of a Joint Standing Machinery on Railways as recommended by the Whitley Commission and demanded by the All-India Railwaymen's Federation, and will Government be pleased to state whether they propose to inform the said Federation about the draft proposals before coming to a final decision ?

Mr. P. R. Rau : The matter is still under consideration.

AMOUNT CREDITED TO RAILWAY REVENUES UNDER FINES, FORFEITURE OF PROVIDENT FUND, ETC., AND INCOME AND DISBURSEMENTS OF THE STAFF BENEFIT FUND OF EACH RAILWAY.

40. Mr. V. V. Giri : Will Government be pleased to lay on the table a statement showing the sums credited to Railway Revenues under fines, forfeiture of the Provident Fund Bonus, etc., during 1931, 1932, 1933 and 1934 on each Class I Railway, and a statement showing the income and disbursements of the Staff Benefit Fund of each Class I Railway during the same years ?

Mr. P. R. Rau : Four statements showing the transactions of the Fine Funds|Staff Benefit Funds on Class I Railways, during the years 1931 to 1934, are attached.

Statement showing transactions of the Fine Funds of Class I Railways for the financial year 1930-31.

Railways	Assets.						Disbursements.						Balance in hand on the 31st March, 1931
	Balance on 31st March, 1930.	Fine inflicted.	Bonus forfeited.	Other amounts credited.	Interest on Balance.	Total	Hospital for sick employ-ees	Compas-sionate allow-ances	Schools.	Recreation Clubs	Miscella-neous.	Total.	
I	2	3	4	5	6	7	8	9	10	11	12	13	14
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
A. B.	9,172	3,058	7,271	5	—4†	19,502	Ntl.	Ntl.	376	4,290	1,336	6,002	13,500
B. & N. W.	26,045	8,163	5,804	2,310	1,022	43,544	370	Ntl.	9,016	5,702	1,279	16,367	26,977
B. N.	27,224	17,779	6,399	68	1,616	53,086	500	532	7,040	11,410	14,010	33,492	19,594
B. B. & C. I	64,936	5,916	8,489	Ntl.	2,278	71,619	1,535	1,010	2,437	27,441	1,296	33,719	37,990
Burma	51,751	9,080	11,065	Ntl.	Ntl.	71,896	Ntl.	334	1,134	30,753	1,860	34,081	37,515
E. B.	16,214	7,099	22,243	5,432	670	51,658	900	Ntl.	Ntl.	10,308	23,478	43,686	7,972
E. I.	6,23,707	61,771	14,327	13,292	26,366	7,39,463	2,700	570	26,608	1,04,985	60,323	1,95,186	5,44,277
G. I. P.	3,33,653	38,135	29,474	1,169	9,827	4,12,258	Ntl.	Ntl.	2,402	46,005	24,972	73,379	3,36,879
Jodhpur	6,181	3,065	127	43	232	9,653	600	15	Ntl.	5,332	557	6,864	2,789
M. & S. M.	1,48,626	3,847	6,221	Ntl.	5,760	1,64,354	1,630	1,732	143	513,804	13,422	30,731	1,33,623
N. S.	31,264	4,613	3,589	5,220	1,841	46,527	Ntl.	Ntl.	71	6,995	2,193	9,259	37,268
N. W.	2,18,376	47,133	4,480	19,260	7,000	2,96,249	Ntl.	Ntl.	4,283	42,540	59,981	1,06,804	1,89,445
R. & K.	*3,607	1,466	389	Ntl.	1,735	7,197	Ntl.	Ntl.	2,248	3,581	65	5,894	1,303
S. I.	1,20,768	4,281	5,079	Ntl.	5,193	1,35,321	74	2,095	25,050	23,483	7,855	58,557	76,704
Total	*16,71,424	2,15,406	1,24,957	46,804	63,536	21,22,127	8,369	6,288	80,808	3,46,129	2,12,427	6,54,021	14,68,106

* The difference between the balance shown in last year's statement and this is due to investment of Rs. 39,100.

† Due to depreciation of investments written off.

Statement showing transactions of the Staff Benefit Fund/Fine Fund of Class I Railways for the year ending 31st March, 1932.

Railways.	Assets.						Disbursements.						Total columns 13.	Balance on the 31st March, 1932 (Columns 8-14).
	Balance on the 31st March, 1931.	Fine-inflicted.	Bonus forfeited.	Other amounts credited.	Contributions from Ry. Revenues.	Interest on balance.	Total columns 2 to 7.	Hospital for sick employees.	Compensation allowances.	Schools & education of the staff.	Recreation Clubs.	Miscellaneous.		
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.	Rs.
A. B.	13,500	2,242	4,370	25	6,637	*1,084	25,690	231	.	60	4,819	851	5,961	19,729
B. & N. W.	26,977	7,427	10,473	2,493	2,493	1,052	48,422	250	.	9,974	5,219	5,362	20,805	27,617
B. N. & C. I.	19,594	16,996	13,601	350	30,000	430	80,971	500	345	5,357	13,176	9,582	28,960	52,011
B. B. & C. I.	37,900	5,193	1,478	10	29,032	966	74,579	10,212	479	3,125	26,353	568	40,737	33,842
Burma	37,815	6,546	8,259	.	4,792	1,891	59,303	.	.	2,790	18,331	300	21,421	37,882
E. B.	7,972	4,221	363	.	25,062	638	47,338	360	50	448	19,812	10,529	31,139	16,139
E. I.	5,44,277	54,339	7,666	9,082	38,610	21,151	6,86,428	2,100	780	28,479	70,070	97,477	1,98,906	4,87,522
G. I. P.	3,38,879	38,793	10,606	2,175	36,470	11,086	4,38,009	.	10	1,370	33,297	15,790	50,467	3,87,542
Jodhpur	2,789	2,236	1,332	34	.	523	6,914	660	.	53	5,345	595	6,600	314
M & S. M.	1,33,623	2,815	6,330	..	.	4,398	1,47,166	1,605	289	.	10,807	12,301	25,055	1,22,111
N. S.	37,268	1,475	3,429	223	.	1,528	43,923	.	.	.	6,980	3,824	10,804	33,119
N. W.	1,99,445	39,398	8,241	18,591	56,885	6,434	3,18,994	13,736	1,234	4,634	50,722	36,742	1,07,068	2,11,926
R. & K.	1,303	1,313	2,645	42,100	.	1,590	8,951	..	.	2,179	3,699	590	6,468	2,483
S. I.	76,764	4,937	3,210	.	10,000	3,433	98,344	5	563	.	16,648	10,767	27,983	70,361
Total	14,68,106	1,87,931	82,003	55,468	2,37,488	54,036	20,85,032	29,659	3,750	58,469	2,85,278	2,05,278	5,82,434	15,02,598

*This represents depreciation on investment less interest.

†Government securities sold during the year.

Statement showing transactions of the Staff Benefit Fund Fine Fund of Class I Railways for the year ending 31st March, 1933.

Disbursements.														
Railways.	Balance on the 31st March, 1932.	Assets						Disbursements.						
		Balance on the 31st March, 1932.	Fine inflicted	Bonus for- feited.	Other amounts cred- ited.	Contri- butions from Railway Revenue.	Inter- est on balance.	Total columns 2 to 7.	Hos- pital for sick employ- ees	Compen- sation allow- ances.	Schools and edu- cation of the staff	Recrea- tion Clubs.	Miscella- neous.	Total columns 9 to 13.	Balance on the 31st March 1933 (Columns 8—14).
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
A. B. ..	Rs. 19,729	Rs. 1,810	Rs. 7,418	Rs. 140	Rs. 9,768	Rs. 510	Rs. 39,375	Rs. 951	Rs. 363	Rs. 1,374	Rs. 12,190	Rs. 2,543	Rs. 17,421	Rs. 21,954
B. & N. W. .	27,617	6,968	1,996	3,087	..	3,829	43,497	500	758	10,941	9,303	1,170	21,414	22,083
B. N. .	52,011	13,705	7,993	54	29,950	199	1,03,912	15,000	63	8,441	8,764	9,500	27,963	75,949
B. B. & C. I. .	33,842	5,302	1,580	10	32,855	688	74,277	15,000	39	6,177	21,639	1,175	44,054	30,223
Burma .	37,882	6,674	6,183	62	10,302	1,949	63,052	..	63	8,012	20,027	1,500	29,578	33,474
E. B. .	16,139	3,559	3,889	18,881	42,533	1,476	86,480	665	385	170	22,448	20,838	44,506	41,974
E. I. .	4,87,522	51,307	4,728	1,32,728	48,501	23,142	7,47,928	22,686	80,038	3,294	23	1,01,399	2,07,440	5,40,488
G. I. P. .	3,87,542	31,755	5,778	266	28,110	12,428	4,65,879	..	510	2,977	24,199	10,209	37,895	4,27,984
Jodhpur .	314	2,056	..	59	4,792	18	7,239	660	..	..	4,992	340	5,992	1,247
M. & S. M. .	1,22,111	1,691	2,084	1,478	9,000	5,700	1,42,064	1,282	..	150	1,143	10,719	13,294	1,28,770
N. S. .	33,119	3,375	4,973	4,973	..	1,497	44,369	1,282	..	82	8,545	1,378	10,005	34,364
N. W. .	2,11,926	33,077	2,729	18,904	55,339	4,700	3,26,875	9,635	652	5,410	68,376	1,30,714	2,14,787	1,11,888
R. & K. .	2,483	1,402	155	844	..	1,498	6,382	..	..	2,430	3,335	61	5,826	556
S. I. ..	70,361	4,895	1,891	5,883	19,000	3,202	1,05,232	120	3,981	62	12,666	14,634	31,463	73,769
Total	15,02,598	1,65,606	49,799	1,87,372	2,90,150	60,836	22,56,361	51,499	86,789	49,520	2,17,650	3,06,180	7,11,638	15,44,723

Statement showing transactions of the Staff Benefit Fund/Fine Fund of Class I Railways for the year ending 31st March, 1934.

Railways.	Assets.							Disbursements.						
	Balance on 31st March, 1933.	Fine inflicted.	Bonus for- feited	Other amounts credited.	Contri- butions from Railway Revenue	Interest on Balance	Total columns 2 to 7.	Hospital for sick em- ployees	Compas- sionate allow- ance.	Schools and educat- ion staff.	Recreation Clubs.	Miscella- neous.	Total columns 9 to 13	Balance on the 31st March, 1934 (Columns 8—14).
1	2	3	4	5	6	7	8	9	10	11	12	13	14	15
A. B. ..	21,954	1,539	3,784	1,152	11,256	1,151	40,836	3,929	387	2,171	12,332	4,941	23,760	17,076
B. and N W	22,083	6,398	7,252	160	.	1,369	37,252	.	.	7,555	8,839	610	17,004	20,248
B. N.	75,949	16,004	7,756	611	32,336	255	1,32,911	500	1,000	16,913	7,689	16,547	42,626	90,262
B. B. and C I	30,223	5,492	129	25	59,102	1,370	96,341	10,000	237	6,372	24,935	725	42,69	54,072
Burma .	33,474	5,091	16,994	2,161	14,053	—340	71,433	.	185	7,578	21,889	1,306	30,958	40,475
E. B. ..	41,974	3,445	3,659	27,304	38,959	1,244	1,16,585	14,224	2,405	1,604	28,251	53,625	90,109	26,476
E I. .	5,40,488	46,865	4,220	36,144	56,052	16,490	7,00,259	2,953	1,209	22,237	73,221	37,956	1,37,576	5,62,683
G. I. P. . .	4,27,984	31,536	16,173	3,441	41,899	13,016	5,34,049	5,477	500	3,595	33,345	9,840	52,257	4,81,792
Jodhpur	1,247	1,732	—128	115	7,000	55	10,021	500	..	..	6,111	234	6,845	3,176
M. and S. M	1,28,770	2,757	5,272	1,339	41,925	3,895	1,83,958	1,230	2,212	3,087	22,241	1,230	30,000	1,53,968
N. S. .	34,364	918	3,517	426	.	1,102	40,327	..	.	.	12,668	4,088	16,756	23,571
N. W. . .	1,11,888	30,551	7,388	20,486	61,990	3,724	2,36,027	10,736	2,089	4,770	75,849	57,091	1,50,535	85,492
R. and K.	556	1,014	1,372	5,108	.	1,453	9,503	..	..	3,000	3,947	14	6,961	2,542
S. I. ..	73,769	4,232	3,771	.	20,000	2,834	1,04,606	90	1,941	15	27,981	15,581	45,608	58,998
Total ..	15,44,723	1,57,574	81,159	98,462	3,84,572	47,618	23,14,108	39,639	12,165	78,897	3,59,298	2,03,288	6,93,287	16,20,821

STAFF TO IMPLEMENT THE HOURS OF EMPLOYMENT REGULATIONS ON THE
MADRAS AND SOUTHERN MAHRATTA AND THE BOMBAY, BARODA AND
CENTRAL INDIA RAILWAYS.

41. **Mr. V. V. Giri** : Will Government be pleased to state the number of additional staff required and proposed to be appointed to implement the Hours of Employment Regulations on the Madras and Southern Mahratta and the Bombay, Baroda and Central India Railways ?

Mr. P. R. Rau : The Agents, Madras and Southern Mahratta and Bombay, Baroda and Central India Railways, report that the number of additional staff required to implement the Hours of Employment Regulations on their railways is approximately 421 and 581, respectively.

TRANSFER OF THE MANAGEMENT OF THE COMPANY-MANAGED RAILWAYS.

42. **Mr. V. V. Giri** : Will Government be pleased to state whether any steps are being taken to transfer the management of all Company-managed Railways, to facilitate amalgamation of Railways as recommended by Pope Committee ? If not, why not ?

Mr. P. R. Rau : Such transfer can only be made at the termination of existing contracts ; otherwise, by private negotiation outside the contracts which may be very expensive. The question raised by Mr Pope is, however, receiving attention.

REPORT ON THE QUESTION OF THE MANUFACTURE OF LOCOMOTIVES IN
RAILWAY WORKSHOPS IN INDIA.

43. **Mr. V. V. Giri** : Will Government be pleased to lay on the table a copy of the Report of Enquiry into the question of locomotive manufacture in railway workshops in India ?

Mr. P. R. Rau : A memorandum on the subject is being prepared and will be placed before the Standing Finance Committee for Railways as early as possible.

PERSONS DISCHARGED ON DISCIPLINARY GROUNDS ON RAILWAYS.

44. **Mr. V. V. Giri** : Will Government be pleased to state the number of persons discharged on disciplinary grounds on each Class I Railway since the New Discharge and Dismissal Rules of 1930 were introduced ?

Mr. P. R. Rau : Government have no information and consider that the collection of the information required will involve an amount of time and trouble unlikely to be justified by results.

PROPOSED RAILWAY LINE FROM SYLHET TO CHHATAK.

45. **Mr. Basanta Kumar Das** : With reference to the answers given on behalf of Government to starred question No. 529, asked on the 25th February last, will Government be pleased to state if any report has been submitted after the investigation undertaken regarding the proposed railway line from Sylhet to Chhatak as a part of the Sylhet Chhatak-Therriaghat project ? If so, what is the purport of the report and what

action, if any, do Government and the Railway Department propose to take to open the line as early as possible ?

Mr. P. R. Rau : A project estimate prepared by the Railway Administration has been received and is under examination by the Railway Board.

COVERED AND RAISED PLATFORMS FOR IMPORTANT STATIONS ON THE ASSAM
BENGAL RAILWAY.

46. **Mr. Basanta Kumar Das :** (a) Will Government be pleased to state if a copy of starred question No. 531, answered on the 25th February, 1935, regarding covered and high level platforms for important stations on the Assam Bengal Railway was sent to the Railway Company ? If so, what reply have Government received from them ?

(b) Are Government aware that the Assam Bengal Railway is now building a new station at Sylhet and that no arrangement for a high level platform and a covering for the station has been made ? If so, are Government prepared to consider the desirability of asking the Assam Bengal Railway to provide a high level platform and a covering for the new station at Sylhet ?

Mr. P. R. Rau : (a) Yes Government consider that Agents of Railways are in the best position to decide on the distribution of funds allotted to their railways for this purpose. Hence no reply was asked for.

(b) Government are aware of the proposal to build a new station at Sylhet, but are not aware of the details. The matter has been brought to the notice of the Agent.

PROVISION OF ADDITIONAL OPENINGS IN THE EMBANKMENT FROM
FENCHUGANJ TO SYLHET BAZAR.

47. **Mr. Basanta Kumar Das :** With reference to starred question No. 797, asked on the 11th March last, on the Report of the Assam Flood Enquiry Committee, will Government be pleased to state if they have now received any information from the Assam Bengal Railway authorities as to what steps they have taken or propose to take to give effect to the recommendations of the Committee for providing additional openings in the embankment from Fenchuganj to Sylhet Bazar ?

Mr. P. R. Rau : The information required was placed on the table of the House on the 3rd April, 1935, and will be found on page 3518, Volume IV, No. 5, of the Debates of the Assembly.

EFFECTS OF THE IMPORT OF BURMA RICE IN INDIA.

48. **Mr. Basanta Kumar Das :** (a) Are Government aware that the import of Burma rice in India tends to keep down the price of paddy in India, specially in Assam and Bengal, and offers serious competition to the husking industry in those parts of India ?

(b) Are Government aware that in Assam and Bengal and other parts of India, where paddy is the staple product, husking by hand is one of the chief cottage industries carried on by the poorest section of the

community and that the import of Burma mill rice reduces the price of rice so low that it becomes no longer profitable for them to husk rice for sale with the consequence that they are thrown out of employment ?

(c) Is there any proposal to admit Burma rice into India duty-free, after the separation of Burma, in exchange for free admission into Burma of Indian products such as tea, etc. ?

(d) Have Government taken into consideration the desirability of preserving the independence of the Indian Legislature as to the fiscal policy to be adopted after Burma is separated from India, specially its freedom to afford protection to the Indian products and Indian husking industry ? If not, are Government prepared to press this matter upon the attention of His Majesty's Government in England ?

(e) Do Government propose to take into consideration the desirability of leaving the question of such reciprocal engagement to be negotiated with the future Federal Government ?

(f) In case it is found desirable to conclude such agreements immediately on the separation of Burma, will Government consult the opinion of the Assembly first before coming to any final decision ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Government have no reason to believe that the position is as stated by the Honourable Member. They understand that different varieties of Bengal rice invariably fetch a higher price in Calcutta than the imported Burma rice.

(c) The Honourable Member's attention is invited to Article 3 of the Provisional Draft of India and Burma Trade Regulation Order recently published in the White Paper on the Trade and Immigration Relations between India and Burma after separation of Burma.

(d) The answer to the first part of the question is in the affirmative. The second part does not arise.

(e) This matter is already provided for in the new Government of India Act.

(f) The Honourable Member's attention is invited to the reply given to parts (c) and (d) of Mr. Satyamurti's starred question No. 143.

ESTABLISHMENT OF A HIGH COURT FOR ASSAM.

49. **Srijut N. C. Bardaloi :** (a) In view of the fact that Assam has been made an autonomous Province, will Government state whether a High Court will be established in that Province ?

(b) Do Government propose to place the proposal for a High Court in Assam before the Subvention Committee ? If not, why not ?

The Honourable Sir Henry Craik : (a) There is no such intention at present.

(b) Does not arise.

ESTABLISHMENT OF A UNIVERSITY AT GAUHATI.

50. **Srijut N. C. Bardaloi :** (a) Are Government aware that the establishment of a University at Gauhati was strongly recommended by

the Royal Commission presided over by Sir Michael Sadler, on the ground that Assamese culture and civilisation required the establishment of such a University ?

(b) Is it a fact that the late Sir Ashutosh Mukerjee, and eminent educationist and a member of that Commission, heartily supported the proposal and stated that the Gauhati College with the blocks of compact boarding houses, an excellent laboratory and a library attached, makes it possible to convert the same into a residential University ?

(c) Do Government propose to place the proposal before the Subvention Committee ?

Sir Girja Shankar Bajpai : (a) and (b). The Calcutta University Commission (of which the late Sir Ashutosh Mukerjee was a member) did not recommend the creation of a separate University for Assam at any specified period but expressed the opinion that Gauhati might rightly aim at becoming a seat of a University at some future date.

(c) It will be for the Assam Government to plead its own case at the Financial Enquiry.

GRIEVANCES OF THE PASSENGERS AT GHUTKU STATION ON THE BENGAL NAGPUR RAILWAY.

51. **Seth Sheodass Daga :** (a) Is it a fact that Ghutku Station on Bengal Nagpur Railway, a B Class Station, is open for passengers' traffic since its opening, *i.e.*, about 1892 ?

(b) Is it a fact that at night, two Up and Down trains are halting there ?

(c) Is it a fact that the said station is about three quarters of a mile away from the town and is surrounded by fields ?

(d) Is it a fact that, since the demolition of the old station, *i.e.*, 25 years past, only a temporary shed with tin roofing is erected, and the waiting room is open from three sides ?

(e) If the reply to part (d) be in affirmative, are Government aware that it is very much troublesome and inconvenient all round the year for the passengers, *i.e.*, in summer noon on account of the hot wind and roofing, in the rainy season on account of the showers coming in, and in winter nights on account of the chilly cold weather ?

(f) Are Government aware that the platform of the said station is so low that it is very troublesome and risky for passengers to get in and out of the train ?

(g) Are Government prepared to get the said grievances of the passengers with regard to the station waiting room and platform redressed by the railway authorities concerned ?

Mr P. R. Rau : Government consider that these matters are best left to the Advisory Committee. The Agent's attention has, however, been drawn to the question.

VACANCIES IN THE ENGINEERING DEPARTMENT OF THE GREAT INDIAN PENINSULA RAILWAY.

52. **Khan Sahib Nawab Siddique Ali Khan :** (a) Is it a fact that there were several permanent vacancies in the permanent subordinate cadre

of the Engineering Department of the Great Indian Peninsula Railway and that these have been recently surrendered ? If so, how many, and for how many years were these kept unfilled ?

(b) Is it a fact that while permanent vacancies were kept unfilled, several subordinates have been retained on the temporary cadre chargeable to Lump Sum Revenue Grant for a number of years, and that these men are not engaged for a particular capital work and have been retained during the period when the railways have passed through a financial crisis ? Why have they not been confirmed in suitable unfilled permanent vacancies and their temporary posts abolished instead of surrendering permanent posts ?

(c) Is it a fact that the recent policy of the Chief Engineer, Great Indian Peninsula Railway, is not to fill up vacancies above Rs. 300 per month for technical men drawing old scales of pay, with the exception of Permanent Way, Bridge and Signal and Interlocking Inspectors, thus depriving the Inspector of Works, Supervisors, Head Draftsmen, Surveyors and Draftsmen, of all chances of promotion ?

(d) Is it true that in the Mechanical Department, Transportation Department and Traffic Department, there are graded posts of Rs. 240—300, Rs. 300—375, Rs. 375—450, Rs. 450—550, Rs. 550—650 on the permanent subordinate cadre while in the Engineering Department technical staff except for P. W. Is. and Bridge, Signal and Interlocking Inspectors have no chance of promotion beyond Rs. 300, although they are entitled to the old scales of pay ?

(e) Is it true that when superior service officers go on Home leave, their immediate subordinates on the subordinate cadre are not given a chance to act in their places, although these subordinates may be fully qualified to take up their posts ?

Mr P. R. Rau : I am obtaining the information and will lay a reply on the table of the House in due course.

MAIL SORTERS IN EAST BENGAL AND ASSAM.

53. Srijut N. C. Bardaloi : (a) Will Government state how many candidates passed the departmental competitive test held in 1929-30 for mail sorters' appointments from East Bengal and Assam ?

(b) Was any warning given to these persons that revised rates for pay of the posts for which they were candidates was under consideration ?

(c) Were the above persons approved candidates for appointment as sorters in the "S" division ?

(d) Is it a fact that the passed candidates were appointed as reserve sorters in the grade Rs. 40—5—140 in 1930 ?

(e) Is it a fact that in spite of there being many vacancies in the list of reserve sorters' posts many of the appointed candidates were relieved of their posts on the 31st December, 1930 ?

(f) Were there fourteen posts vacant before the 16th July, 1931, when the above were still unemployed ?

(g) Is it a fact that those persons were employed in 1933 and 1934 but in a lower grade ?

(h) Will Government refer to the Director General's special general Circular No. 37, dated 11th March, 1935 ?

(i) Are Government prepared to place the persons referred to above in the old time scale of pay of Rs. 40—5—140 ?

The Honourable Mr. D. G. Mitchell : (a) to (i). Information has been called for and a reply will be placed on the table of the House in due course.

PRODUCTION OF QUININE AND CINCHONA.

54. Srijut N. C. Bardaloi : (a) Will Government please state what quantities of quinine and cinchona are produced in India through Government agency and what quantities through private agencies ?

(b) Will Government please state what amount of profit Government usually make by the sale of quinine ?

(c) At what price are quinine and cinchona sold to Local Board and District Board Dispensaries ?

(d) At what price can Government supply quinine if they forego the profit made from the sale of quinine ?

Sir Girja Shankar Bajpai : (a) A statement showing the quantity of quinine and cinchona febrifuge produced at Government factories on behalf of the Government of India and the Governments of Madras and Bengal in the years 1931-32 to 1933-34 is laid on the table. Government have no information regarding production through private agencies.

(b) and (d) Including overhead charges and interest on the reserve of 150,000 lbs. maintained by them, it is doubtful whether the Government of India make any profit at the price at which they supply quinine to Local Governments.

(c) Rs. 18 per lb. for quinine sulphate and Rs. 9 per lb. for cinchona febrifuge (powder).

Production at Government factories of quinine sulphate and cinchona febrifuge during the years 1931-32 to 1933-34.

1931-32					Quinine Sulphate lbs.	Cinchona febrifuge. lbs
Government of India	..	..	..	..	1,536 4	459·3
Government of Madras ..	..	..	..	..	22,307	9,084
Government of Bengal ..	..	..	..	..	43,534	13,079
					67,377 4	22,622·3
1932-33						
Government of India ..	..	..	..	..	3,981	2,004
Government of Madras ..	..	..	..	..	23,153	10,993
Government of Bengal ..	..	..	..	..	42,239	22,749
					69,373	35,746
1933-34.						
Government of India ..	..	..	..	..	5,739·6	3,394
Government of Madras ..	..	..	..	..	22,716	13,141
Government of Bengal ..	..	..	..	..	45,728	25,129
					74,183·6	41,664

PREPONDERANCE OF MUSLIM EXTRA-DEPARTMENTAL SUB-POSTMASTERS IN
AGRA

55. **Bhai Parma Nand** : Is it a fact that out of eight permanent Extra-Departmental Sub-Postmasters seven are Muhammadans in the Agra Town ? If so, what is the reason for such an abnormal heavy proportion of the minority community and who is responsible for this ?

The Honourable Mr. D. G. Mitchell : As regards the first part, Government have no information.

As regards the second part, the Honourable Member is referred to the reply given to his own unstarred question No. 81 in this House on the 22nd February, 1935.

INCREASE IN THE PROPORTION OF MUSLIM CANDIDATES ON THE WAITING LIST
OF INFERIOR CADRE IN THE AGRA POST OFFICE.

56. **Bhai Parma Nand** : Is it a fact that during the tenure of the present Postmaster at Agra the proportion of Muhammadan candidates on the waiting list of inferior cadre has considerably increased specially since the officiating appointment of the Muhammadan Town Inspector ?

The Honourable Mr. D. G. Mitchell : Government have no information and do not propose to call for it as the waiting list has nothing to do with the actual recruitment. A copy of the question and this reply is, however, being sent to the Director General of Posts and Telegraphs, who is competent to deal with the matter.

APPOINTMENTS OF EMPLOYMENT OFFICERS ON STATE RAILWAYS.

57. **Mr. V. V. Giri** : (a) Will Government be pleased to state if appointments of Employment Officers have been made in certain departments of the State Railways in accordance with the recommendations of the Whitley Commission ?

(b) If the reply to part (a) be in the affirmative, will Government be pleased to state the qualifications of the persons recruited for the posts and the duties allotted to them ?

(c) Will Government be pleased to state if the employees in the Electrical Department of the East Indian Railway get the advantage of the services of such Employment Officers ?

(d) If the reply to part (c) be in the negative, will Government be pleased to state how the grievances of the staff in the said department are enquired into and the establishment matters dealt with ?

(e) If the reply to part (c) be in the affirmative, will Government be pleased to state if there is any Employment Officer particularly for this department and if so, where he is posted ?

Mr. P. R. Rau : (a) Yes.

(b) Full details of the reasons for sanctioning these posts are contained in a memorandum placed before the Standing Finance Committee for Railways on the 2nd February, 1934, which will be found on pages 17—19 of Volume X, No. 6, of their proceedings, to which I would refer the Honourable Member.

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(c), (d) and (e). I have called for information and will lay a reply on the table of the House in due course.

PROCEDURE FOLLOWED IN FILLING UP OF VACANCIES IN THE ELECTRICAL DEPARTMENT ON THE EAST INDIAN RAILWAY.

58. **Mr. V. V. Giri** : Will Government be pleased to state the procedure followed in the Electrical Department on the East Indian Railway to fill up vacancies in the higher grades of the supervising subordinate staff ?

Mr. P. R. Rau : I have called for the information and will place it on the table of the House when received.

REPRESENTATION OF THE STAFF IN THE ELECTRICAL DEPARTMENT OF THE EAST INDIAN RAILWAY IN THE WELFARE COMMITTEE.

59. **Mr. V. V. Giri** : Will Government be pleased to state whether the staff in the Electrical Department of the East Indian Railway have got any representation in the Welfare Committee ? If so, whether the delegate is elected by the staff or nominated by the Administration ?

Mr. P. R. Rau : The available information is given in the document placed in the Library of the House in connection with unstarred question No. 7 asked on the 5th February, 1935.

REDUCTION OF PAY OF GRADUATES IN COMMERCE IN THE POSTS AND TELEGRAPHS DEPARTMENT.

60. **Mr. V. V. Giri** : (a) Is it not a fact that the Government of India, Industries and Labour, Posts and Telegraphs Branch, in their Memorandum No. 74-Est.-A|28, dated 19th September, 1930, recognised graduates and under-graduates in Commerce as equivalent to graduates and under-graduates in Arts and Science ?

(b) Is it not a fact that before the issue of the above orders certain graduates and under-graduates in Commerce were actually recruited in the Postal Department on a higher starting pay allowed to graduates and under-graduates in Arts and Science at that time, and that they were allowed to draw that higher rate of pay for several years ?

(c) Is it not the strict principle of the Government of India not to reduce the pay of an official which he was allowed to draw on the reasonable belief that he was entitled to it ?

(d) If the replies to parts (a) to (c) above be in the affirmative, how is it that the pay of graduates and under-graduates in Commerce who were recruited on a higher starting pay was reduced after several years with retrospective effect to the minimum starting pay allowed to Matriculates, thereby also depriving them of their higher position in the Circle Gradation List ?

(e) Are Government prepared to consider this grievance and restore the pay and position of those who were started on a higher starting pay which was afterwards reduced ?

The Honourable Mr. D. G. Mitchell : (a) Yes, but only with respect to men recruited on and from the date of the order.

(b) Yes, but the concession had been wrongly allowed by local authorities in a few cases.

(c) No.

(d) and (e). Do not arise in view of the replies to parts (b) and (c) above. I may add, however, that the recovery of the amounts overdrawn by the officials concerned prior to the date of orders in question was waived by Government.

MOTION FOR ADJOURNMENT.

INTEREST OF INDIANS CONCERNED IN ZANZIBAR.

Mr. President (The Honourable Sir Abdur Rahim) : I have received notice of a motion for adjournment on the Zanzibar question from Pandit Govind Ballabh Pant. I understand the Honourable the Leader of the House and the Honourable Member have talked over the matter and perhaps they will inform the House what has been the result.

12 Noon.

The Honourable Sir Nripendra Sircar (Leader of the House) : Sir, the position is this : we had some talk with Pandit Govind Ballabh Pant. I am not prepared to give an undertaking or guarantee that we shall be able to do this, but I am prepared to say that I shall try my best to give him two hours towards the end of the Session. If that satisfies my friend, he can act accordingly. If, on the other hand, he wants an undertaking or guarantee on a particular day, I am not in a position to do that and my Honourable friend can move his motion.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, I feel a little handicapped in proceeding with my motion after the conversations I had with Sir Girja Shankar Bajpai and with the Honourable the Leader of the House. I understand his statement is as reasonable a guarantee as a person in his responsible position can give, that he will try his utmost to accommodate us. I cannot expect from him more than that. Perhaps he could have said as much in a more graceful manner, but that is after all a matter of taste.....

The Honourable Sir Nripendra Sircar : That is your monopoly.

Pandit Govind Ballabh Pant : But, all the same, I am thankful to him and consider it unnecessary to proceed with my motion now in the circumstances.

ELECTION OF A MEMBER TO THE STANDING FINANCE COMMITTEE.

Mr. President (The Honourable Sir Abdur Rahim) : I have to inform the Assembly that up to 12 Noon on Friday, the 6th September, 1935, the time fixed for receiving nominations for the Standing Finance Committee, only one nomination was received. As there is only one vacancy, I declare Mr F. E. James to be duly elected to the Standing Finance Committee.

STATEMENT LAID

CASES IN WHICH THE LOWEST TENDERS HAVE NOT BEEN ACCEPTED BY THE
GOVERNMENT

The Honourable Mr D G. Mitchell (Member for Industries and
missioner for India, showing all cases in which the lowest tenders have not
during the half-year ending the 30th June, 1935.

HIGH COMMISSIONER

INDIA STORE

ABSTRACT OF CASES in which tenders for stores demanded by the Central Govern
goods demanded, were accepted on the grounds of superior quality,
inspection, quicker

HALF YEAR ENDING

Stores ordered.	Contract number.	Name of Contractor.	Amount of Contract.
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PART A.—Cases in which lower foreign tenders, including British tenders for foreign
Nil.

PART B.—Cases in which the discrimination

			£ s. d.
Tapes, measuring Steel No. 80.	R. 2759/4994/16-3-35 ..	J. Chesterman & Co., Ltd.	75 5 0 (British).
Timber, lignum vitae, 10 cwts.	T. 78/27/13-4-35 ..	Waterman & Ross, Ltd.	16 0 0 approx. f. o. b. London (British).
Timber, lignum vitae, 25 cwts.	T. 321/454/17-5-35 ..	Waterman & Ross, Ltd.	30 10 0 approx. f. o. b. London (British).

PART C.—Cases in which the discrimination
Nil.

PART D.—Cases in which lower British tenders have
Nil.

ON THE TABLE.

HIGH COMMISSIONER FOR INDIA IN PURCHASING STORES FOR THE OF INDIA.

Labour) . Sir, I lay on the table a statement, furnished by the High Com- been accepted by him in purchasing stores for the Government of India,

FOR INDIA.

DEPARTMENT

ment, other than the lowest complying with the technical description of the superior trustworthiness of the firm tendering, greater facility of delivery, etc.

30TH JUNE, 1935.

Lowest Tender not accepted.	Reason for Acceptance.
<i>made goods, have been set aside wholly or partially in favour of British tenders.</i>	
<i>Nil.</i>	
<i>is between British firms only.</i>	
£ s. d.	
71 13 9 (British).	The lowest tenderer required twelve weeks for delivery. As this delivery would not meet the requirements of the Indenting Officer the order was placed with the next lowest tenderer who offered delivery in four weeks.
14 0 0 f. o. b. Liverpool (British)	The accepted tender was the more advantageous having regard to the extra cost of inspection at Liverpool.
29 15 0 approx. f. o. b. Liverpool (British).	Ditto ditto.

is between foreign firms only.

Nil.

been set aside in favour of foreign tenders.

Nil.

ELECTION OF A MEMBER FOR STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT

The Honourable Mr. D. G. Mitchell (Member for Industries and Labour) : Sir, I move :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one Member for the Standing Advisory Committee for the Indian Posts and Telegraphs Department to fill the vacancy caused by the resignation of his seat in the Assembly by Sir Darcy Lindsay.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That this Assembly do proceed to elect, in such manner as the Honourable the President may direct, one Member for the Standing Advisory Committee for the Indian Posts and Telegraphs Department to fill the vacancy caused by the resignation of his seat in the Assembly by Sir Darcy Lindsay.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : I have to inform Honourable Members that for the purpose of election of a Member to the Standing Advisory Committee for the Indian Posts and Telegraphs Department, the Notice Office will be open to receive nominations upto 12 Noon on Wednesday, the 11th September, and the election, if necessary, will, as usual, be held in the Secretary's Room in the Assembly Building on Friday, the 13th September, 1935, between the hours of 10-30 A.M. and 1 P.M. The election will be conducted in accordance with the principle of proportional representation by means of the single transferable vote.

THE CENTRAL PROVINCES COURTS (SUPPLEMENTARY) BILL.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I move for leave to introduce a Bill to supplement the Central Provinces Courts Act, 1917. I need say nothing beyond the fact that this Bill is intended to make certain amendments of a formal nature in some enactments consequent on the establishment of a High Court of Judicature at Nagpur in the Central Provinces. Sir, I move

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be given to introduce a Bill to supplement the Central Provinces Courts Act, 1917.”

The motion was adopted.

The Honourable Sir Nripendra Sircar : Sir, I introduce the Bill.

THE CRIMINAL LAW AMENDMENT BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the following motion moved by the Honourable Sir Henry Craik on the 5th September, 1935 :

“ That the Bill to amend the Criminal Law be taken into consideration.”

Dr G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : Mr. President, the other day I tried to bring to the notice of this House that the alleged grounds of suspended Civil Disobedience and revival of terrorism and extension of Communism, which were brought forward

before the House by the Home Member for the sanction of a permanent measure like this, were not sufficient. There was another ground that he brought forward, and that was communalism ; and if one were to look at his speech, it almost seems as if he tried to put stress on this ground of communalism. What I should like to realise is what is this communalism ? I am all the while trying, so that we may not get into a panicky state and be stampeded into voting for something that we have not given sufficient thought about.

Communalism can be of two kinds. One is what I might say the intellectual communalism, and the other one may be the lower type—what may be called the rowdy type. All the blame of communalism is going to be put on the scapegoat of the press, as if it is the press which is responsible for this communalism. Let me dispose of this intellectual communalism or the higher type of communalism that unfortunately has been created in this country. If it exists today, who is the worst offender in this respect ? I am afraid Mr Morgan's group and his community in this country is perhaps more responsible for it than any other of the indigenous communities in this country (*Cries of "Oh"* from the European Group Benches.) I will prove it if you say "*Oh*". It is not merely Mr Morgan's community that is responsible for this, but there is the other party also, that is, the Government of India (*Opposition cries of "Hear, hear."*) What is the meaning of fancy franchise ? What is the meaning of all kinds of different compartments into which the Constitution has been divided ? What is the meaning of the overwhelming number of seats in the Bengal Legislative Council which has been given to the European community, out of all proportion ? What is the meaning of your reserving all the highly paid services in the Army, Navy and other branches exclusively for Europeans ? You start from the Magna Charta right up to the latest pronouncement made by the Viceroy, and what is the promise given to this country ? That promise is that no distinction of race, creed or colour will be observed in giving appointments, and yet, what is the position today ? In the last Session of the Assembly, we were told what was the percentage of Indians in the higher services in this country. Look at the Indian Civil Service, look at the Indian Medical Service with which I am well conversant, and, I say, if that is not communalism, what else is it ? Communalism does not mean merely going for each other in a rowdy manner, communalism also means giving everything to one community, and I make bold to say that perhaps in this respect no other community can be charged to the same extent with communalism as the European community. (*"Hear, hear"* from Congress Party Benches.) I was surprised, Sir, to hear my intellectual friends like Sir Ghulam Hussain Hidayatallah saying that it is a blot on us that communalism does exist without trying to understand the causes of such communalism. Why, let me now come to the lower type of communalism. If there is rioting in some place, are we going to take part in it. Or can the papers be held responsible for either one type or other ? No. It is not on account of presses that this kind of communalism exists. I do not want to go into the sinister origin of these communal troubles. I am not here to prove that. My only point is this, that this Bill is intended to muzzle the press in this country, and, therefore, I want to prove to the House conclusively that the press has nothing to do with either the starting or the stopping of riots. Here I may be permitted to give my own personal experience. I have seen these riots. I have had

[Dr. G. V. Deshmukh.]

a great deal to do with these inter-communal riots, the so-called Hindu-Muslim riots in Bombay twice. One riot took place in 1928 and the other in 1932. Now, Sir, I want you to take note of the dates particularly. In 1928, there was no Criminal Law Amendment Act in existence. By the time the riots broke out for the second time in Bombay, and that was in 1932, the Criminal Law Amendment Act came into being, and what do we find? Sir, in 1928, the riots came to an end within eight days, with much less casualties, with much less trouble and loss to the commercial community in Bombay . . .

Mr. F. E. James (Madras : European) : That was because you were the Mayor of Bombay ?

Dr. G. V. Deshmukh : That was partly due to that. Sir, I had a great deal to do with it. As a matter of fact, it was not the papers which were responsible for bringing the riots to an end, but it was the Peace Committee which was started in that City by the Mayor of that year which brought the riots to an early end ("Hear, hear" from Congress Party Benches.) Now, Sir, look at the riots of 1932. The rioting went on for ten weeks with untold misery to the poor people, and it inflicted a great deal of loss to the commerce of Bombay. Therefore, what is the good of your saying that, if you don't have these laws, communalism will be rampant, that you see great danger ahead, there were never such times as the present when communalism was rampant? There is absolutely no meaning in these arguments at all. Somehow or other, I feel that this is a flimsy argument brought forward to enact this measure, and all these arguments are urged in favour of the measure so that some of our friends, who do not want to think over the matter themselves and want to take the opinions that come from the other side, may swallow them. Well, Sir, all the arguments that have been urged in favour of the four points by the Honourable the Home Member for receiving the sanction of the House have not got much substance in them. But, then, I want to put it to you the other way. At any rate, even the Opposition conceded that these are all different troubles having different causes, having different geographical origin, and, therefore, what is the duty of an administrator? The duty of an administrator is not to suggest, like a quack, one remedy for all diseases. That indeed is not the duty of a good physician; he should see that each disease is treated on its own merits, but the quack prescribes a common remedy for all diseases. He prescribes one remedy for all diseases from constipation to cholera. This is what the administrator should not do. The Government say they will have one Bill and that will cure all the political ills of this country. Sir, the whole objective of this Bill has been, whatever appearance it may have, to muzzle the press, and our European administrators are not doing this for nothing. I do not want to go into the reasons as to why they are doing it, but I know this much that they are not doing this for nothing, and the reason is obvious. Anybody conversant with general literature will know that it is the printed word that is of great importance, that it was on account of presses and the printing machines which came into existence in Europe that Europe was pulled out of its dark ages. It was on account of the printed word that the superstition which existed before was made to disappear, it was the printed copy of the Bible that made all the superstition disappear, and, Sir, I have not the slightest hesitation in saying

that the object of this Bill is to muzzle the printing press and the printed word. If they had the choice, they would muzzle even the spoken word ...

Mr. M. Asaf Ali (Delhi : General) : They are muzzling it

Dr. G. V. Deshmukh : My friend says, they are muzzling it. I have not the least doubt that they have done it, or, at any rate, if they could, they would certainly muzzle the word of mouth too. You can see that the whole object of this measure is to attack the press, because they do not want that our people should be sufficiently educated to criticise the actions of the Government officials, the actions of the bureaucracy, so that these bureaucrats and other Government officials may be left uncriticised, so that they may continue in the enjoyment of limitless powers in this village land of India. The fact is, they do not want that the people should improve, and that is why the whole measure has been brought forward. After all, this measure, Sir, as you yourself suggested years ago, is a two-faced measure. It shows one face to us, Assembly Members, and the other face to the outside world, but the object behind it is quite different, and that object is, as I have been trying to impress upon Honourable Members, to muzzle the press. Sir, there is a saying in India, and that saying applies most appropriately to this measure, and the saying is : " Mukhse Ram bagal men Chhoori " For the information of my friends opposite, I may say, it means this " With a Sermon on the Mount in the Mouth, but a stiletto in the side." And it is said that this measure is being enacted to save us from communalism, terrorism, and all the other *isms*, but the whole object of the Bill is, whichever way you may look at it, to safeguard and protect the officials in the future Constitution ; the real underlying object is, whichever way the officials may behave in the future Constitution, to see that they should go on untrammelled in the exercise of their tyrannical power. It is only on account of that that this measure is being enacted in the teeth of popular opposition. Therefore, Sir, I am entreating all my Indian friends to look at the whole question from a proper perspective, and not to be led away by specious arguments when recording their votes. I entreat all my Indian friends to record their votes with reason. Sir, we on this side have nothing to offer to our friends ; all that we can do is to convince them on grounds of reason that this measure is superfluous and dangerous and how they should vote ; we have nothing else to offer, but to entreat them to think seriously before they cast their votes. Most of us are at the other end of our life, but if this measure is passed, what is going to happen to our children and grandchildren ? It is mainly by means of newspapers that public opinion is created.

The Honourable Member from Midnapore, the other day, said, what is wrong with the curtailment of liberty ? I think he was right. He is one of those Englishmen who has been surfeited and satiated with liberty. He is naturally, Sir, suffering from indigestion of liberty and thinks that liberty is a poison to others, but will he refer to the history of his own country for a moment and will he deny that it was for the retention of liberty that the British nation lost one continent ? Otherwise, today the American continent also would have been painted the same red colour as the other half of the world. And what is the good of comparing liberty with professions, dangerous professions ? Liberty cannot be compared with professions. The analogy is entirely wrong. It is no good saying that you demand security from the dealers in poison. Is liberty poison ?

[Dr G. V. Deshmukh.]

I ask my Honourable friend to refer to the literature of his own country. Liberty is life, is the very breath of life, and if you are going to say, that a person must deposit Rs. 500 before his child starts to breathe, or that he must deposit Rs. 5,000 or Rs. 10,000 as he grows old at the age of five or ten, would that be reasonable? Even this question of liberty is not being looked at from the proper point of view. It is liberty that we want, liberty under the law, and we are, therefore, keen that these laws which actually come in the way of liberty shall not be passed.

Sir a great deal of point has been made about dummy editors. I should like to ask the Honourable the Home Member whether Babu Motilal Ghose was a dummy editor, whether Lokamanya Bal Gangadhar Tilak, the father of the Home Rule Movement in India, was a dummy editor, whether Agarkar, the social reformer in Maharashtra, was a dummy editor, whether Mr. (afterwards Sir) Surendra Nath Banerjea was a dummy editor. You come here and give us as reason for your action something that has been produced by your own action. It is the same old trick. The common law of the land section 124A, was misused, and, therefore, can you blame people when no honest man is allowed to continue as editor? It is the same old trick of the administration. It was alluded to by Abraham Lincoln. You do something to provoke people and then you take that as an excuse to bring forward some other repressive measures. What are you doing under this measure? You are putting discretion, it may be nominal, in the hands of the District Magistrate—bad enough. But on whose evidence will he demand security? On the evidence of the police—that police of ours who mistake sweetmeats for bombs—-I suppose everybody knows the incident—that police like this, that C. I. D. like this—on the information of these men, the District Magistrate is going to ask the man to put down the security immediately. We consider that the liberty of the press which this Bill is going to take away is absolutely vital for the advancement of our country. It cannot be admitted for a minute that the powers which were given during the time that the present Act was in force were exercised in the proper fashion. By the fruits shall you judge them? I will give you a very little incident and that is this. In Bombay we have what is called the Rationalist Association. It may be information for Mr. James to hear that I am the President of that Rationalist Association. We conduct a magazine which is called *Reason*.

Sir Ghulam Hussain Hidayatallah (Sind Jagirdars and Zamindars Landholders) : May I put one question to my Honourable friend? He referred to the riots of 1932. May I ask him in what month those riots took place?

Dr. G. V. Deshmukh : I do not know if the Honourable Member was in charge of that department of riots.

Sir Ghulam Hussain Hidayatallah : When did the Criminal Law Amendment Act come into force? At the end of 1932 or before?

An Honourable Member : The Ordinance was there.

Dr. G. V. Deshmukh : Sir Ghulam Hussain Hidayatallah was in office, he had a great deal to do in office.

Sir Ghulam Hussain Hidayatallah : I had nothing to do with the riots.

Dr. G. V. Deshmukh : I know that you had nothing to do with the riots. I never saw you round about there. (Laughter) But I can prove to you. . .

Sir Ghulam Hussain Hidayatallah : You made an assertion and the burden lies on you to prove the dates when the riots occurred.

Dr. G. V. Deshmukh : You were the Executive Councillor of the Government of Bombay, and you were in Bombay itself and you do not know that the riots were taking place in June ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should address the Chair. He cannot carry on a conversation across the floor of the House with another Member of the House.

Dr. G. V. Deshmukh : Very well, Sir Through you I want to tell my Honourable friend that the riots continued from April to June And the Ordinance was there (Laughter) The Press Act was there. If he had seen the trend of my argument, he would have realised that my argument was that these riots to which so much attention has been drawn did occur in spite of the Press Act being there That I suppose the Honourable Member cannot deny if he is keen on these dates

Sir Ghulam Hussain Hidayatallah : I wanted to correct you when you made a statement that the Criminal Law Amendment Act was in force at the time

Mr. President (The Honourable Sir Abdur Rahim) Order, order The Honourable Member must address the Chair

Dr. G. V. Deshmukh : I am very sorry to waste the time of the House over this thing. The Emergency Press Act was passed in 1931 if you please. Is that right ? That is one year before the riots

An Honourable Member : Ignore those interruptions

Dr. G. V. Deshmukh : I will take no notice because he had nothing to do with the riots ; during the three months, I never saw him even once in Bombay. (Laughter) Where was I when you interrupted me ?

An Honourable Member : You were the President of the Rationalist Association.

Dr. G. V. Deshmukh : I thought those who interrupted me might oblige me by telling where I was when I was interrupted. I was telling you that we have a magazine that is being edited for all intellectuals, having nothing to do with politics, and that is called *Reason*. What do we find ? One day a sub-inspector of police comes into the office and says, " Hand over all the copies of the *Reason* you have got " The Secretary, naturally, being a young man, not having much experience of this world, resented and telephoned to me as to what was to be done We are not lawyers, we do not know much law. I said : " The best thing we can do is to hand him over the copies " He took those copies away. We quietly submitted to the sub-inspector. But, after a month, those copies were returned to us, I do not know for what reasons Now, you can imagine if this kind of thing exists in Bombay where public opinion is, to a certain extent, of some importance, what must it be in the country, what must it be outside ? What will it be in distant places and villages ? And it is absolutely useless for you people to come here and say, these powers will be exercised mildly and let us have them on the Statute-book,

[Dr. G. V. Deshmukh.]

and, after all, we have a right of repealing the measure. I will tell the Honourable gentleman who put forward that argument, that judges after judges have pointed out the deficiencies about section 124A, but what provision have you been able to make to repeal it? Look at the notice given by my Honourable friend, Mr. Satyamurti, for the repeal of all the repressive laws dating back to 1818. What have you been able to repeal? It does not seem to me to be a common sense argument. We will soil ourselves first and then we will have a cleaning afterwards. Why soil yourself first by this Bill and try to have a cleaning afterwards? Have nothing to do with the Bill from the very beginning, from now. We think that the press is absolutely necessary for the requirements of our people, and that is why we are opposing these provisions so strongly. If the Honourable the Home Member does not take away all the individual restrictions, I would consider it as of little importance, if he likes to keep those restrictions, I would not care. But what I do care is that the press being the means of educating and elevating our people, let there be no restrictions on that press. We have been exhorted, times without number, by speakers on that side that we must take the full sense of our responsibility, but that responsibility we feel is the education and elevation of our people, the uplift of our people, so that they may not be serfs and slaves, but proper subjects, so that they will claim their just rights, and, what is more, maintain them against a bureaucracy limitless in power. Sir, that is our object and that is the responsibility which we have undertaken and will undertake, and, in the name of that responsibility, we will not accept this Bill.

Mr. R. S. Sarma (Nominated Non-Official) : Sir, it is always very difficult and a great handicap to rise to speak immediately after so effective and accomplished a speaker as Dr. Deshmukh who has just finished, but all the same I am grateful to you, Mr. President, for the opportunity you have given me this morning of making one or two brief observations on the motion now before the House. I shall indeed be very brief, as I propose to confine my remarks solely to those provisions of the Bill which relate to the press. Sir, the heavy artillery of the Opposition has been directed against those clauses of the Bill which seek to control the press; I think I can claim, of all Members of this House, to be in a better position to speak about this particular aspect of the Bill, as I have been a working journalist for over a decade or so,

An Honourable Member : Friendly journal ?

Mr. R. S. Sarma : Yes, although I have not had the advantages enjoyed even by unfriendly journals today. As one who owned, at one time, three daily papers in Calcutta and at the present time the owner of a weekly paper, I rise today to state to the House what I as a working journalist and as a newspaperman, feel about this Bill. Before doing so, let me, Sir, make a passing reference, and a passing reference only, to the speech of my friend, Mr. Krishna Kant Malaviya. Dr. Deshmukh in the beginning of his speech said that he liked the speech of the Honourable the Home Member. I may also say that of all the speeches delivered from those Benches, I liked the speech of Mr. Malaviya most. I was rather surprised at the slight annoyance experienced by the Finance Member or the Home Member when Mr. Malaviya spoke. If I were the Home Member, I would have immediately run to the seat of Mr. Malaviya and

embraced him, because there was no speech more helpful and more useful to the Home Member than the speech of Mr. Malaviya himself. Some Honourable Members might have had doubts about the wisdom of a measure of this character at this juncture. There might have been others who might have had doubts, whether apart from the merits of the Bill, the time was opportune just on the eve of the introduction of great constitutional changes in this country, to put on the Statute-book a measure which might be called a reactionary measure, but after the clear and unmistakable speech of my friend, Mr. Malaviya, all those misgivings must have vanished from the mind of every Member.

An Honourable Member : You have not understood him.

Mr. R. S. Sarma : Because, Sir, however, much Mr. Malaviya might have condemned the acts of violence and terrorism, his speech was a clear glorification of the motives and the patriotism of those people who had committed those offences. It is speeches of that character and writings of that character in the press that this Bill is intended to prevent.

Now, Sir, I want to tell the House as a common sense journalist how I view this measure and I do it from a simple standpoint. (Interruption.) I do not mind interruptions so long as they are intelligible--and I am accustomed to interruptions in this House. Just as every other measure in the Statute-book, this is essentially a preventive measure. There are provisions in the existing Penal Code and the Criminal Procedure Code which give powers to the executive and judiciary, powers which are terrifying when one reads them, but I come to the logical conclusion that these are only danger signals serving as a warning to those people who want to overstep the limits of the law. Judged from that point of view, I do not think any one need fear any of the provisions of the present Bill. I do not think there is anything to fear, if one does not want to break the law. Dr. Deshmukh said that the newspaper is a great force and plays a great part in educating public opinion, and that this measure is intended to stifle the freedom of the press. I know that newspapers are very powerful, that newspapers are necessary, they are often talked of as the fourth estate of the realm. The influence of the press is very great indeed all over the world and it is all the more so in our country, though I do not know whether this tremendous influence in India is for good or for evil. If one has followed the writings in the Indian press during the last few years, one would realise the mischief that the Indian newspapers have been able to create in the cause of terrorism and other subversive movements in this country.

An Honourable Member : Question.

Mr. R. S. Sarma : In England or any other country in Europe, people read only the news and not the views in the papers and come to their own conclusions, but things are very different in India. With our masses, whatever is printed is gospel truth.

An Honourable Member : It is just the other way.

Mr. R. S. Sarma : Not at all, Sir. I have known Members of the Legislature in some provinces who have not read the Government of India Act but have gone and discussed the Act with high officials and when they were questioned in detail, they had to admit that they had not read the Government of India Act but only the comments in papers like the

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Amrita Bazar Patrika and the *Hindustan Times* about the Government of India Act. Even the head lines of some of these papers are dangerous and revolting. Everybody is familiar with the famous head line which appeared in a Calcutta paper, when that dangerous terrorist, Dinesh, was executed. The paper brought out the head line 'Dauntless Dinesh dies at dawn'. Look at the alliteration and the emotion. If these things do not manufacture terrorists, I wonder what does. Any one who has followed the leading articles in many of the Indian newspapers will have no hesitation in coming to the conclusion that these terrorists are not born but are made in the columns of some of the newspapers; our Indian masses are very credulous and the ignorant and the sentimental section of the public are being most mercilessly exploited by journalist politicians. That is a factor which the Government are bound to take note of. I shall give from my own experience an illustration of how the ordinary man is misled. It is to protect that kind of man from being exploited that I want an Act of this kind put on the Statute-book.

Mr. Birla, who was once a distinguished Member of this House, owned the Calcutta evening newspaper, *The New Empire*, of which I was the editor. There was a breakdown in our press and we could not print our paper in our own press. As there was no other well equipped Indian printing press in Calcutta, where a daily newspaper could be printed, we arranged to print it in the *Statesman* press. At that time, the *Statesman* was subjected to a very severe boycott because of certain articles that appeared in that paper against the late Lokamanya Bal Gangadhar Tilak. There was a great propaganda in the newspapers as to why Mr. Birla's paper was printed in the *Statesman* press. There was a vigorous campaign against us going on in the press and there was a great public meeting called one day to condemn Mr. Birla and myself for our printing our paper in the *Statesman* press. Well, the fact is, we tried the Indian press and we did not succeed, because no Indian press could, day after day, print 6,000 or 7,000 copies and we were indeed very thankful to the *Statesman* that they allowed us to do it. There was held this public meeting, attended by twentythousand men, and Mr. Birla asked me: "Why don't you go to this meeting and explain matters, and why we were obliged to print our paper in the *Statesman* press." Though I knew the hostile character of the audience, I took courage in both hands, went to the meeting, got upon the platform and explained matters to the audience. Well, the audience looked as if they were convinced. I said, if anybody could suggest any Indian press where we could print, I was willing to pay a thousand rupees a month more than what we were paying to the *Statesman*. One fellow got up and said: "Why, there is the Marwari press, (Mr. Birla is a Marwari), in which you can print the paper." I asked, what is this Marwari press which can print a daily newspaper? Then one man got up and said: "There is of course the Halwasiya press." I said the Halwasiya press was a jute press and not a printing press; but a man suddenly got up on the table and shouted: "Never mind, all the same it is a press." (Laughter.) He won the day. Now, Sir, that is the mentality of the masses who read our newspapers. It is said that the effect of this Act would be to prevent honest expression of views. I deny this. Can anybody point out whether any extremist newspaper which has not been malicious or scurrilous has been subjected to any embarrassment? I will give you a very good illustra-

tion. Take the *Hindu* of Madras. Now, it always enjoys the blessings of Mahatma Gandhi, who has said that the *Hindu* is doing a great national service. It is a Congress organ. (*Voices* : "No, no.") Yes, Sir, for all practical purposes, though it has not the Congress label. Well, at the last elections, what did it do? My Honourable friend, Mr. Satyamurti, depends upon the *Hindu* of Madras to publish all his speeches....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : No, Sir, I depend on the justice of my cause—I depend on the Indian National Congress and on nobody else.

Mr. R. S. Sarma : Why, as to publicity and propaganda, I say Mr. Satyamurti preaches through these newspapers, through the *Hindu*. Therefore that paper is for all practical purposes a Congress paper. Now, has it suffered in any way? It wrote openly saying that Sir Shanmukham Chetty should be defeated, that Diwan Bahadur Ramaswamy Mudaliar should be defeated, that Mr. Sami Vencatachelam Chetty and Mr. Satyamurti should be returned with large majorities. Has it suffered in any way for its expression of views? On the other hand the *Hindu* is favoured with all Government advertisements. The paper is in the good books of the Government. An illustrious Member of the Government of India, Sir Frank Noyce, went last year to Calcutta and performed the opening ceremony of the Calcutta office of that paper. Now, the editor of that paper is supposed to be the editor of an extremist paper. Has he suffered in any way? He even got a Silver Jubilee medal! I am only trying to show that the Government do not mind, however, violently it writes so long as it does not support terrorism, so long as, by seeming to condemn acts of violence, it is not glorifying such acts as being inspired by patriotism and noble ideas....

An Honourable Member : Does the *Hindu* support this measure?

Mr. R. S. Sarma : It does not. That is my argument. Even when Government does not get the support of that paper in the matter, I say, look at the consideration that the Government is giving to that paper. Only the other day, Honourable Members might remember, that the Honourable the Home Member on the floor of the House, raised the *Hindu* to the dignity of a friendly press. My point is while papers can write as violently as they do such as the *Hindu* of Madras or the *Amrita Bazar Patrika* of Calcutta, so long as they do not overstep the limits of decency, so long as they do not secretly sympathize with the terrorist movement, so long as they do not supply inspiration and encouragement to terrorists and breakers of law—I say no man need fear this legislation. I admit, Sir, that the tone of the press has lately improved. And why? Because of the existence of these provisions—not because of any change of heart. I know sometimes even some of these extremist papers privately like such Acts like this. (*Voices* of : "Oh, oh")

An Honourable Member : Where did you get that from?

Mr. R. S. Sarma : Now, suppose the Press officer instead of exercising his powers goes in a friendly manner to some of these papers and gently says : "Why don't you please co-operate with me? Don't publish this kind of inciting stuff." How often the editor of such a paper will not actually say, as so many have done, "I agree, but you see if I do not publish this, my rival newspaper will, and, therefore, it is

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better that you issue some sort of communique that nothing should be published." (Laughter.) That is the attitude of many of the papers.

Sir, there is one important point which my Honourable friend, Dr. Deshmukh, mentioned and which, other speakers on the Opposition side have mentioned, namely, that the most essential thing to do in order to combat terrorism is to find avenues of employment for our educated youth. That is a very important subject no doubt ; but I want to make one observation. This terrorism is confined to India or rather to Bengal ; but unemployment is all the world over. Why should this terrorism be here alone ? Of course that does not prevent my agreeing fully with what my Honourable friend, Dr. Deshmukh, said on this point, namely, that the one thing you should do is to find avenues of employment and occupation for our educated young men. Now, coming from Bengal as I do, I am proud to make the statement, on the floor of this House, that no one in India has a clearer and fuller realization of the need of efforts in this direction than my Governor, His Excellency Sir John Anderson. (Loud and Prolonged Cheers.) Only last week, Sir, he made a most notable pronouncement in the Bengal Legislative Council. In words of clear and incisive eloquence, words all the more weighty because of their restraint and reticence and careful avoidance of over-emphasis, His Excellency examined the present position of the terrorist movement in Bengal and made a notable announcement which I shall read in his own words :

" Government have decided upon giving to selected detenus at the expense of the State a training which would enable them to assist in developing the natural resources of the country, both to their own profit and to the profit and advantage of the country at large."

The details of the scheme which has been propounded by His Excellency are now public property and have been published in the papers....

An Honourable Member : After how many years ?

Another Honourable Member : Under what conditions ?

Mr. R. S. Sarma : Under conditions necessary for this experiment to succeed. Honourable Members will find that in this great and statesman-like announcement there lie the beginnings of a still greater and more far-reaching campaign of solving the unemployment problem and I think it is my duty, on the floor of this House, on behalf of Bengal, to pay my unstinted meed of tribute and admiration to His Excellency Sir John Anderson. (Loud and Prolonged Cheers.) Sir, one Honourable friend asks me—why then the need for this Act and what is the particular need for this legislation ? I say it is to prepare the field for the successful working of the new experiment, so that these unfortunate young men will not be induced again to fall into the trap of pursuing these violent and destructive methods. That is the reason. (Hear, hear.) I say nobody need be in fear except those people who lurking in the background exploit eager and thoughtless youth in the interests of universal disorder. (Hear, hear.)

Sir, one word more and I have done. The *Hindustan Times* characterised rather sarcastically this Bill day before yesterday as Lord Willingdon's parting gift.

Some Honourable Members : Parting kick.

Mr. R. S. Sarma : In my opinion, it is a real gift, and my countrymen may not realise the value and significance of this measure today. They may think that it is a reactionary piece of legislation ; but let me assure this House and my friends that long after the present political turmoil is over and long after the dust of the present political controversy has subsided, when my Honourable friends, Mr. Bhulabhai Desai, Pandit Govind Ballabh Pant and Mr. Satyamurti, become Ministers in their own provinces and sit in their official chairs, engaged in useful constructive national work, free from the fear of the bomb and the revolver, when they will find that the youngmen who are now an embarrassment to the State become useful members of society, when the future Indian Prime Minister of this country, who may be a Congress dictator, finds that he can carry on his work of national reconstruction without the necessity of a Hitler purge of the 30th June of last year, when this consummation, God willing, materialises, not only will the name of Lord Willingdon be cherished with affection by my grateful countrymen and remembered with gratitude but his whole policy will stand out as a shining testimony of what he and his Colleagues had been able to do to make India not only fit for self-government but safe for the enjoyment of those precious privileges. (Applause.)

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Sir, I wish to speak on a point of personal explanation. I did not want to interrupt the Honourable Mr. Sarma when he was in the midst of his speech. I am afraid he would have charged me with discourtesy as he has charged me with other things. His charge is entirely baseless and I treat his insinuations with the contempt which they deserve. ...

Mr. President (The Honourable Sir Abdur Rahim) : That is not a point of personal explanation. The Honourable Member must confine himself to his point of personal explanation.

Pandit Krishna Kant Malaviya : I am coming to that. He said that I was glorifying murders. That was the charge that he laid at my door. I do not object to my Honourable friend for he is speaking on behalf of the constituency which he so ably represents.....

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member is making a speech, the Chair cannot allow that. He can only say something by way of personal explanation.

Pandit Krishna Kant Malaviya : What I want to say is this. I come as a representative of the people of this country and as their representative I have to speak.....

Mr. President (The Honourable Sir Abdur Rahim) : Order, order. If the Honourable Member has no personal explanation to offer, the Chair would ask him to sit down.

Pandit Krishna Kant Malaviya : What I wanted to say was this that I was speaking for men who could not speak for themselves here. The Honourable Member has entirely misunderstood me. I did not defend murders.....

Mr. President (The Honourable Sir Abdur Rahim) : The Chair would ask the Honourable Member to resume his seat. Apparently, he has no personal explanation to make.

Sir Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Mr. President, the Bill before the House is not a new measure. It has passed through the searching scrutiny of a strong Select Committee and was also hammered on the floor of this House, in a full-dress debate, in 1932, when it was placed on the Statute-book of the country, for a period of three years. That period is now going to expire, and the present Bill is intended to remove some of the provisions of that Act and to continue others for an indefinite period. It is, therefore, our duty to examine under what conditions the Criminal Law Amendment Act of 1932 was passed and whether the time has come and the conditions in the country are such that the whole of this Act should be repealed.

Sir, we all know it very well that when the Criminal Law Amendment Act of 1932 was passed, the country was passing through a state of chaos and anarchy. Civil Disobedience and boycott were rampant, the peace of the country was threatened everyday and persistent boycotts and hartals made the peaceful avocations of the day impossible. It was under these circumstances that the Government of India were forced to enact a measure which was no doubt of a repressive nature but which was justified to meet the conditions prevailing in the country. When this Bill was passed, what was the effect ? The effect of it was that all those pernicious movements and all those nefarious activities were stopped and the peaceful progress of the country continued unmolested. The Government have, therefore, decided that the provisions of the Act which are no longer required should now be repealed. It shows that the Government of India do not want to keep harsh measures on the Statute-book a minute longer after the necessity for their enactment becomes non-existent. During the time when this Act was in force, no difficulty was experienced in lawful activities and peaceful political movements of the country. The Indian National Congress was able to hold a full-fledged Session in 1933, at Bombay, without in any way experiencing any difficulty on account of this Act. Similarly, many other Provincial Conferences were held unmolested. This shows that the power which was vested, by this Act, upon the local authorities and the Provincial Governments was not misused or abused.

Now, Sir, of the sections of the Act of 1932 which will be retained under the new Bill, the most important ones to which objection has been taken are sections 5, 7, 11 and 13. Section 5 relates to the dissemination of the contents of proscribed documents and it is considered as an attack on the liberty of the press and the liberty of the speech. I quite agree with my Honourable friend, Dr. Deshmukh, when he says that the press is a very powerful machine for moulding the public opinion and, therefore, it becomes extremely necessary for us to see whether the great power which the press exercises in the country is being exercised for the benefit of the young generation of India or to their detriment. Is it not a fact, Sir, that the mischievous speeches of some irresponsible persons are the root cause of many of our miseries and troubles ? Is it not a fact that the communal tension and communal riots in India are caused by fiery speeches.

Mr. M. Asaf Ali : Of communalists.

Sir Muhammad Yakub : Yes, quite right. The present Bill is intended to stop the activities of those communalists. What
1 P.M. I was going to say is that the communal riots are caused by the fiery speeches of mischievous persons and by the mischievous articles

that appear in the communalist papers of India. (Hear, hear.) Look at the small State of Loharu, which is not even equal to the four walls of our Legislative Assembly, and yet a lot of agitation is being carried on.

Mr. M. Asaf Ali : I rise to a point of order, Sir. Is the Honourable Member in order in referring to an Indian State ? Can we make any reference to any Indian State in this House and to the incidents going on there ? Some of my questions were disallowed on that very ground.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member, the Chair is sure, will not refer to incidents in Indian States.

Sir Muhammad Yakub : I am not referring to the incidents that take place in Loharu. What I am going to say is that the mischievous speakers in British India go from Simla and Delhi and publish their poisonous statements in communal papers in Delhi and Lahore and I, therefore, say, that these mischievous persons are responsible for the communal tension from Rajputana to Lahore. If there is a small spark of communal tension in one part of the country, the communal papers fan it into a huge blaze which would set fire to the whole country from one end to the other. This is what we have experienced for a very long time and which we are seeing here every day.

Pandit Krishna Kant Malaviya : Yes, the communalists sit in conference in the cool heights of Simla.

Sir Muhammad Yakub : Of course they do meet and at the expense of the Government of India, because they also draw their daily allowance of Rs. 20 a day !

Now, Sir, is it not the duty of the Government to impose restrictions and curtail the liberty of such mischief-making press ? Of course all honour is due to the nation-building section of the Indian Press. They have done their work nobly in a way which commands our respect, and they have nothing to fear from any measure which may be placed on the Statute-book. (Hear, hear.) Sir, probably there is no other country in the world, except France and England, where the Press and the platform enjoys more liberty than is enjoyed by the Press and the platform in India even in the face of the present laws on the Statute-book. Liberty unrestricted is a very luring term to pronounce, but does it—nay, can it exist in any phase of our social or political life. On the contrary we find that those who are the loudest in their demand for unrestricted liberty are the greatest sinners in curtailing the liberty of the people. (Hear, hear.) The case of Soviet Russia is a case to the point. It will take our Honourable friends on the Opposition Benches a good deal further up if they gather courage to go to Russia and make a speech criticising the administration of that country. The Press and the platform in Russia are being used there only as the mouthpiece of the Government and the mouthpiece of the administration and it would be too bold indeed to associate the liberty of the Press and the platform with the present state of conditions prevailing in Soviet Russia. Mr. President, two years ago when I was in Constantinople, a number of the representatives of newspapers of that historic city called on me and approached me with the request that I should give them a statement about my impression of the tour. Being an Indian Mussalman, I started by saying that “ for a long time I cherished a great desire to pay a visit to the capital of the old Islamic Khilafat and

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that I was glad that that desire was fulfilled then''. At this the poor representatives trembled in their shoes and said that it was impossible for them to publish anything containing the word " Khilafat " or " Khalifa " or things like that. (Hear, hear.) These are the conditions prevailing in countries where monarchs were butchered and thrones were over-turned in the name of liberty and freedom. Coming nearer home, may I be excused if I say that even the Congress movement in India cannot subsist without putting drastic restrictions in their own field. (Hear, hear.) The Khaddar franchise, the taking of pledges from members or ban against attending social functions given in honour of Government servants are some of the examples of this curtailment of the liberty on the part of the Congress movement. (Applause.) We are not ignorant of the feeling which is in the minds of certain Congress members in opposition to these restrictions.

Some Honourable Members : No, no. There is none.

Sir Muhammad Yakub : There it is all the same, and I leave it at that. For a Government the imposition of restrictions becomes more a duty than a mere convention and a Government would not be worth the name if it does not restrict the liberties of some in the interests of all. The unfinished speech of the Honourable the Law Member on the Bill which was sponsored by my Honourable friend, Mr. B. Das, has clearly proved that Communism and terrorism not only do exist but they are still germinating in this country and he has also proved beyond doubt how the Congress movement is linked with that, a fact which was proved by the speech delivered by my Honourable friend, Pandit Krishna Kant Malaviya, the other day. Is it, therefore, wise on our part to refuse to arm the Government with the necessary powers to deal with a situation arising out of the circumstances? Now, Sir, the question is, whether we only want applause from the Press.

An Honourable Member : And also from Government.

Sir Muhammad Yakub : And the public and from the Government as well. I am quite sure that Congress will receive applause from the Government because I imagine that there has been for a long time some subterranean connection between the Government and the Congress. (Laughter.) Whenever Government want to give some liberty to the country, some more reforms to the country, the Congress comes in between and puts some spoke in the wheel of the advancement of the country ; and that shows that there is some subterranean connection between the Congress and Government. (Laughter.) Therefore, my friend is right when he says that they would also expect an applause from Government. If this Bill is thrown out at this stage, the Opposition no doubt will have the satisfaction, the empty satisfaction, of inflicting another defeat upon Government, which they cannot remove by their vote. But what would be the result? Will they be able, by doing so, to stop the placing of this Bill on the Statute-book? On the other hand, if we allow the consideration motion, we will be able to improve the provisions of some of the clauses, when the Bill is discussed, clause by clause, we can move amendments and the united House can pass amendments. I am not in a position to advise the Honourable Members on the Opposition Benches, but I am more concerned with my friends on the Opposition Benches because they are our

countrymen and their goal and our goal is the same, while the goal of Government is not the same ; and I want you to join hands with me and take the ball to the common goal. Nor do I pose to play the part of a peacemaker, but as an humble worker and as a sincere friend of my country, I appeal to the Honourable Members on the Opposition Benches that they should allow the clauses of this Bill to be discussed on the floor of the House so that we may be able to modify some of its provisions and we may also be able to fix a time limit on its life as we did on the previous occasion. Here are two alternatives : either you have the Bill on the Statute-book, in the form in which it is presented before the House, or you have a modified, polished and a more improved Bill if you vote for the motion before the House. From this point of view I feel myself constrained to vote for the motion before the House.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. Deputy President (Mr. Akhil Chandra Datta) in the Chair.

MEMBER SWORN.

Mr John Desmond Boyle, M.L.A. (Bombay : European)

THE CRIMINAL LAW AMENDMENT BILL—*contd.*

Sardar Sant Singh (West Punjab : Sikh) : Sir, after the surgical operations of the Bill performed by the distinguished surgeon of Bombay—I refer to the Honourable Dr. Deshmukh—I thought that the local sore would show some signs of cure ; but from the speech of my Honourable friend, Sir Muhammad Yakub, who is not now in his seat, and my Honourable friend, Mr Sarma, who too does not seem to have come back, it seems that the other distinguished surgeon from Southern India, Dr. Rajan, will have to repeat the operation in order to bring about a recovery.

The history of the various nations has left certain lessons for the administrators of states, but I find that in this land the lessons of history are ignored. History tells us that the multiplication of grievances of the subject races leads to discontent, which in its turn leads to resentment, which in its turn leads to open armed rebellion. The lessons of history are very clear on the point, and, if ignored, they extract the full price from those who happen to be in power for the time being. That this lesson is known to the Honourable the Home Member is clear from the very fact that in his speech he said that this legislation is directed for the benefit of the dumb millions, the masses of this country. Whether it is for the benefit of the millions or not is to be judged from the actual facts that are taking place in the country and not from the idle professions which can be made on the basis of certain police information supplied to the Honourable the Home Member. May I ask him one simple ques-

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tion in this connection ? What is the principle underlying this Bill ? As a lawyer and as a Member of this august House, I am entitled to a reply. The Honourable the Home Member, like his predecessor when this Act was before the last House, has tried to evade a reply to this question. The question is not only an important one, but a vital one for the country as a whole. If we have a reply to this simple question as candidly as we got once when a similar measure was being discussed in the House, then the reply would be : " The Bill seeks to invest the executive with powers to decide certain judicial issues " That is to say, the executive judgment is to be substituted for the judicial judgment. It was a candid reply made by an Honourable Law Member, who discussed a similar measure before, in this House. If that is so, and if this is the principle underlying this Bill, there should be no doubt as to the attitude of all lovers of liberty towards this legislation and that attitude is summary rejection of the Bill. My reasons for this are not very difficult to fathom ; but I am doubtful whether my views, even if strengthened by the highest authority from the land wherefrom the Honourable the Home Member comes, will find some response in that quarter, if response is possible.

Lord Sankey, when Lord Chancellor of England, made a speech in 1929 where he said that rule of law was a condition precedent to liberty. The Government of India Act was passed in the teeth of opposition of the people of India, and we know that the Government of India Act received a cold reception from the people of this country who are to be vitally affected by that legislation. If we were to ignore the opinion of nationalist India, if we were to call those who have declined support to the Government of India Act as irreconcilable agitators and, if we only consider and take into account that school of thought which says that we should give a trial to this legislation in India, then this would be a pertinent question to ask, " is this legislation to be a precursor of that Government of India Act which pretends to confer liberty or responsibility upon those who would like to work it later on ? Is it that every piece of reform given to India should be preceded by a storm ? ". You remember the consequences of the passing of the Rowlatt Act in the old Imperial Council when the reforms of 1919 were introduced. Have you forgotten the history of those times when the passing of the Rowlatt Act against the will of the people was followed by a huge rising and riots in the Punjab, I myself being one of the victims ? Even in those days it was claimed that this Rowlatt Act was passed in order to make the exercise of responsibility conferred by those reforms easy for those who were to exercise it. But what was the length of the existence of that Rowlatt Act ? Did it not remain a dead letter on the Statute-book without finding a single mourner on its death ? Why then repeat the same blunder, I ask ? I will reserve this point for the moment to be dealt with when I come to discuss the effect of such legislations on the country. If this legislation is allowed to be passed by this House, it will mean the negation of all liberty. This mentality of the bureaucracy is manifested by a certain remark which a retired Anglo-Indian once made. When passing by the House of Commons, he asked, " what are these buildings ? " And being told that they were Parliamentary Houses, he said, " really is the rubbish still going on ? " That is the mentality, Sir, which a bureaucrat brings to bear upon the conditions of this country and then carries the same impressions to his Home after retirement. Such mentality has been

described in some pithy formulæ by no less a person than the Chief Justice of England. He says :

“ If a similar method were applied to the ardent bureaucrat, the amateur of the new despotism, his reflections might perhaps be indicated in some creed as this .

- (1) The business of the Executive is to govern.
- (2) The only persons fit to govern are experts.
- (3) The experts in the art of Government are the permanent officials, who, exhibiting an ancient and too much neglected virtue, ‘ think themselves worthy of great things, being worthy ’.
- (4) But the expert must deal with things as they are. The ‘ four-square ’ man makes the best of the circumstances in which he finds himself.
- (5) Two main obstacles hamper the beneficent work of the expert. One is the sovereignty of Parliament, and the other is the Rule of Law.
- (6) A kind of fetish worship prevalent among an ignorant public, prevents the destruction of these obstacles. The experts, therefore, must make use of the first in order to frustrate the second.
- (7) To this end let him, under Parliamentary forms, clothe himself with despotic power, and then, because the forms *are* Parliamentary, defy the Law Courts.
- (8) This course will prove tolerably simple if he can (a) get legislation passed in skeleton form ; (b) fill up the gaps with his own rules, orders and regulations ; (c) make it difficult or impossible for Parliament to check the said rules, orders and regulations ; (d) secure for them the force of statute ; (e) make his own decision final ; (f) arrange that the fact of his decision shall be conclusive proof of its legality ; (g) take power to modify the provisions of statutes ; and (h) prevent and avoid any sort of appeal to a Court of Law.
- (9) If the expert can get rid of the Lord Chancellor, reduce the Judges to a branch of the Civil Service, compel them to give opinions beforehand on hypothetical cases, and appoint them himself through a businessman to be called ‘ Minister of Justice ’, the coping stone will be laid and the music will be the fuller.”

For, these are the underlying ideas with which the present Bill has been framed by the Bureaucracy. The real issue between those who adorn the Treasury Benches and those who occupy the Opposition is whether India shall be allowed to be governed by the executive or by the trained judges ; whether the rule of law shall prevail or the executive will shall prevail, whether the Courts of law shall be supreme in land or the executive will of a despot sitting in his office will govern. That is the issue. I do not think that even the Honourable Members of the Treasury Benches can accuse those who are opposed to them of any personal ill-will towards them, but the real struggle is between the two principles. We, on this side, can never allow to be governed by executive authority alone without giving us an opportunity to defend ourselves. What we want is that the progress of the country should only lie on the institution of liberty, equality, security of person and property. Here is a contention, Sir, and I want the Honourable the Law Member to take note of it.—why should he yield place to his brother sitting by his side, the Honourable the Home Member ? Supremacy of law has been regarded as a great asset for the liberties of the people. Why should he not put up a strong fight when the Honourable the Home Member comes to him and asks him to abdicate his place and to give him the right to rule the country by executive decrees ? I really don’t see whether such a thing is possible in the Government of India as it is constituted today, and I do not pretend to know whether such a struggle did really take place in the Cabinet of the country or not. But if I were an advocate of the rule of law, I would certainly

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put up a stiff fight before I permitted any Government of India to introduce such a piece of legislation that wants to substitute executive judgment for judicial judgment. Sir, even taking into consideration the fact that whoever becomes the Member of the Government of India is inspired by certain considerations which make him infallible or unerrable to which weakness every human being is liable, even then such a benevolent all-knowing despot would not be a good substitute for the judgment of a Court. In this connection I will again with your permission quote from the Chief Justice of England. This is what he says :

“ All that is involved and implied in the term ‘ Court ’ is essential. It may well be that, in a particular case, a perfectly correct opinion might be obtained from some anonymous person, incapable of identification, who heard none of the parties to the controversy, but brought his individual reason to bear in private upon a miscellaneous bundle of correspondence. It is even possible that, in a particular case, a mysterious individual of that kind might not be in the smallest degree tempted or diverted from a sound opinion by the fact, if it happened to be the fact, that he was closely associated with one of the parties to the controversy. But it is manifest that an opinion is arrived at differs by the whole width of the heavens from the decision of a Court. The work of a Court involves many important ingredients, as for example, (1) that the judge is identified and is personally responsible for his decisions ; (2) that the case, subject to rare exceptions, is conducted in public ; (3) that the result is governed by the impartial application of principles which are known and established ; and (4) that all parties to the controversy are fully and fairly heard. In other words, the decision of a Court is in every important respect sharply contrasted with the edict, however benevolent, of some hidden authority, however capable, depending upon a process of reasoning which is not stated and the enforcement of a scheme which is not explained. The administration of the law of the land in the ordinary Courts presupposes, at least, personal responsibility, publicity, uniformity, and the hearing of the parties.”

Now, Sir, with such an authority at my back, may I ask the Honourable Member with what show of plausibility he can come to this House and ask us to substitute executive decree for the rule of law ? The plain duty of Honourable Members who have any respect for the liberties of their fellow-beings, in this land, is to throw out such a legislation, whether it be the Criminal Law Amendment Act or any other Act which substitutes executive judgment for judicial judgment.

I will now come to the next point. What is the justification for such a law ? Before I deal with the justification given by those who are advocates of this piece of legislation, I should like to refresh the memories of Honourable Members with the history of this legislation. After the Gandhi-Irwin Pact had been arrived at and after Mahatma Gandhi had left for England to join in the deliberations of the Second Round Table Conference, and when Mahatma Gandhi was still there in England, a conspiracy was hatched in India by, I regret to say, the European residents of this country to thwart the political activities of one important political body, namely, the Congress. My Honourable friend, Mr. James, says, that it is not true, but I am going to adduce evidence which is very conclusive, which is incontrovertible and which even he would not be able to deny. In this connection I would refer you to the speech of no less a person than Mr Winston Churchill made in the House of Commons on the 3rd December when Mahatma Gandhi was still in London. In his speech he said. The question was in relation to the Committees which were to tour India to enquire into what changes should be made in the

constitution of India. He said, speaking on this motion in the House of Commons :

“ What are we to do ? We are to send out committees to India ; they are to roam around India, large parts of which may be under something like martial law. They will roam around India in places where ordinary constitutional rights are superseded by measures of enforced protection. They are to be subjected to the same sort of ill-usage as that to which the Simon Commission were subjected by the adherents of the Congress party. India has to be kept in this state of unsettlement perhaps for two or three years.”

At that time the Government had not promulgated the Ordinances, there was, at any rate, no knowledge on the part of the public that such Ordinances were to be promulgated. How could Mr Winston Churchill know on the 3rd December, 1931, that such would be the condition, that such would be the treatment meted out to the Committees that would come to India, and that there would be a sort of *quasi*-martial law in this country ? I hope this one quotation will be sufficient to satisfy my Honourable friend, Mr James, about what I said, that there was a conspiracy hatched by the European residents here to suppress all legitimate political activities before Mahatma Gandhi returned to India. (Interruption by Mr. F. E. James.) I expect you to quote some opinion in your favour.

I am sorry I have not got at this time the circular issued by the European Association which is known as something—I do not remember the exact name. There was a circular which I quoted last time in this House, but I will give another piece of evidence from a highly respectable Indian, I mean Dr Ansari's statement before he sailed for Europe in those days. He made an open statement in the Press that he had actually seen the draft of the Ordinances before Mahatma Gandhi has come back. The history is very simple. The Conservative Government had replaced the Labour Government in England, Lord Irwin had left the shores of India and new angels had come to take charge of Indian Government. Is it not a fact that during the five years of Lord Willingdon's Government we are being treated to suppressive and repressive laws ? And yet the European community in India will deny that they are no party to this conspiracy !

Now, coming to the justification given for the introduction of such a piece of legislation. We are told that there are three very active movements in India, the first is terrorism, the second is Communism, and the third is communalism. The advocates of the Government Benches have added a fourth, and that is Civil Disobedience Movement. The first question that naturally arises is, were not terrorism and Communism rampant in the land before the introduction the Ordinances ? Why were not Ordinances promulgated then ? Why should it be left till after the conclusion of the Second Round Table Conference, the return of Mahatma Gandhi and the well-known refusal of Lord Willingdon to see Mahatmaji after his arrival ? If they were really intended to strike at the terrorist and the Communist, they should have been promulgated when the Civil Disobedience was in abeyance. But no such thing was done. There can be no concealing the fact that these Ordinances were aimed at putting down and crushing any reviving spirit of Civil Disobedience. When the Civil Disobedience Movement is in suspense and when the advocates of Civil Disobedience are now adorning the Opposition Benches in this House, the pretence of the Government cannot hold good. They say that the Bill is necessary and like benevolent despots charitably inclined they say these

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powers are necessary, not for themselves,—no, they are quite safe from the hands of any of these three issues,—but for the coming Government ! And the coming Government, according to their own statement, is to consist of grown up children who would have no knowledge of how to defend themselves ! Why, the same argument was used by the predecessor of the present Home Member in this House ? But that new Government unfortunately never came into being during the three years that the Bill has been in operation. The question that naturally comes before us is— is this a pretence or a real fact or it is only to placate those who may be wavering on which side to vote ? Sir, let me deal with these movements one by one. I will take up communalism first.

Nobody will deny the fact that communalism took its birth on the

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day when an engineered deputation waited upon Lord Minto and demanded separate electorates for the muslim community. The birth of communalism dates from the birth of separate electorates. Well, who gave the separate electorates ? The Government. Well, the Government is responsible for communalism. The concession of separate electorates was followed by similar other concessions and the policy of divide and rule was taken to such an extent that now Government finds itself the victim of the reaction that is bound to come. The separate electorates were followed by the Communal Award and the Communal Award was followed by the communal service award and the communal service award is followed by the various acts of favouritism which are daily to be seen in the advertisement in the public press issued by the various Government departments. What has been the principle underlying all this policy ? Is it justice or political expediency ? I will, with your permission, address my Muslim brothers on this point and tell them that they should take a lesson from the history of the Sikhs. I remember the days of 1857 when there was a rising of the army and Delhi was the scene of bloodshed. The Sikhs had then lost their empire only nine years before that outbreak. Lord Lawrence and other members of the English Government sent for the Sikh Chiefs and asked them to give them a passport up to Bombay and get back their empire. The Sikhs refused. They said : “ No, we will protect you ” and we successfully defended them with the result that now the Sikhs have been thrown out, because political expediency does not require them. Political expediency does not listen to reason, to honesty, sincerity or anything. Muslims are very glad. They are dancing over the little favours that they have got. I tell them that the length of the period of this favouritism is measured by the law of political expediency which gave birth to it and political expediency will end it. There is no love of any religion in the Executive Government of this country. I am very very glad to hear from no less a person than Sir Muhammad Yakub that communalism is an evil. I wish he had made a further declaration on the floor of this House that the Muslims henceforth would have nothing to do with communalism and I would certainly have followed him by a similar declaration that the Sikhs no longer stand for communalism. Let the Mussalmans come forth even now, with a declaration that henceforth they will stand on their own legs and will stand for merit alone. I have the honour to belong to a very small minority in India. I would not, on behalf of my community, hesitate to announce that the Sikhs regard communalism as unsuperable obstacle to the progress of India. It has been said that communalism is raising

its head in the Punjab. Unfortunately it is true to some extent but, if I were free to disclose the facts that fanned the situation in the Punjab, if I were free to tell this House how this communalism has been used as a weapon to engineer this false agitation over the Shahidganj Gurdwara, I think I would be able to convince Honourable Members of this House that it is not an agitation which anybody should be afraid of. But without going into that question I may mention one fact that is very apparent and obvious and that is the coming elections to the Provincial Assembly based upon separate electorate is responsible for all this trouble. There is no genuine feeling behind it. It is only a race for votes.

Mr. M Ghiasuddin (Punjab · Landholders) : May I ask, Sir, how all this is relevant under this Bill ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : In the opinion of the Chair, it is in order, because the Honourable Member is referring to communalism and how it arose

Sardar Sant Singh : My Honourable friend should not have taken offence on this question. I do not want to injure the feelings of my Muslim brothers in the Punjab. I only referred to it in passing to show that such demonstrations and agitation are bound to take place and will continue to take place whenever there is a race for catching the votes of the illiterate masses. My remarks are intended more for the Treasury Benches than for my countrymen on this side of the House. This communalism is prevalent only because of the coming elections and to say that such a piece of legislation as this is necessary to put down communalism is not true. I will come now to another point. Soon after the Shahidgunj agitation, prosecutions for possessing more than one kirpan by the Sikhs were started. The case was taken to a magistrate. The magistrate gave the judgment and discharged the accused, holding that according to the law Sikhs could carry any number of kirpans. May I ask the Honourable the Home Member and the Law Member what was the duty of the Executive authorities under such circumstances ? When the judgment was given, was it not the plain duty of the authorities to respect the law and to respect the judgment of their own Courts ? But the Punjab Executive authorities did not do any such thing. What did they do ? They started more arrests and placed the case before another magistrate. According to my understanding of the functions of the administration, I think the best example the Executive Government could set was to show respect for the law which they themselves had made. The Sikhs have been carrying these kirpans for the last ten years without being molested anywhere by the police. All of a sudden, without any notice, the Sikhs were arrested for possessing more than one kirpan. What did it show ? Well, it only shows that the executive tries to interpret the law as it suits them. The decision of a Court was given, but they treated that decision with contempt which no civilised administration can afford to do. Sir, it is their business to set an example to the public that the law must be respected. But when the executive do not respect the law there can be only one result and that is that the public begins to lose respect for the law. In this particular case, the Punjab Government, after the judgment of one Court, started further prosecutions and succeeded—obtaining a different finding. Now, there were two judgments in conflict with each other. May I ask a simple question again—

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what is the duty of the Executive Government in any country ? Is it not their duty to make the rule of conduct for the people clear and unambiguous ? It was their duty to tell the people what the law is, but instead we find this Government giving us conflicting decisions. We are left to follow the judgment of one magistrate or another magistrate without any guidance. When the agitation started and the Sikhs came out in procession with two kirpans with each man and defied the Government, then the Government realised the folly of their action of securing conflicting judgments. My point is that the Government at first creates a situation, and when the Government finds itself in a tight corner, it comes forward to ask the Legislatures for more power for the executive. Who is going to give them such powers under such circumstances ? Have you ever seen any executive in the world not respecting the judgment of their own Courts ? But here in India they do it : and when they find that the same amount of response is not forthcoming as in other countries and the people begin to defy the authority of the law, then that defiance of law becomes a ground for asking for more powers.

Government complains of picketing, complains of the Press activities ; why should there be complaint when the people have only taken measures in self-defence against the aggressive measures of the Government ? Why did the Civil Disobedience Campaign come into existence ? Because the Government did not listen to the public opinion. Now, there is a story in the Ramayan that one of the members of the family of Ravan used to sleep on for months together, and when the need came for him to be awakened, drums were beaten, elephants were brought to trample him down. It was only then that he could be awakened. Is this the sort of sleep in which the Government of India are going to indulge ? Why are they not listening to the intelligent public opinion ? Why are they turning a deaf ear to public opinion ? If they had but listened to the public opinion they would not have needed such legislation. Sir, their duty is to be responsive to public opinion. Why do they not do so ? Is it not then our plain duty as honest men and is it not the duty of all lovers of liberty to tell them that, unless you respond to us, we will never respond to you ? You complain of non-co-operation—with what face ? Have you co-operated with us ? Was not the last Assembly a co-operators' Assembly ? Did you not get all you wanted from that Assembly ? Can you then show a single instance in which you responded to the criticisms from those who were on this side of the House.

An Honourable Member : There was the three years' duration of the Bill.

Sardar Sant Singh : But what about the substitution of executive for judicial judgment ? Did we not claim that the executive should not have such vast powers over the lives and liberties of the people ? Sir, the Government did not show us the least regard then. My Honourable friend refers to the three years' duration of the Bill. Let me tell him one fact which happened in the Select Committee on this Bill, namely, that several nationalist members of the Select Committee had to walk out from the Select Committee declaring that thenceforth they had nothing to do with it. Sir, my friend, the Honourable the Home Member

pleads for the change of heart. How can you expect us to change our heart and our attitude towards such legislation when you do not change your own heart? Sir, I leave Communism and terrorism to those who know about them much more than I can pretend to do. I will now come to the plain duty of the Government. I think, Sir, that the present Government of India and its predecessors are conscious of only one function; they think that their only function in India is to maintain law and order and that there is no other function. Their main plea for bringing forward such legislation is that law and order cannot otherwise be maintained. May I remind the Honourable the Home Member that this is not even the primary object of the Government, what to say of the main object. Sir, it is a secondary object; and in this connection I will just read a small extract from my speech on this Bill at the last time:

“The purpose or end of Government is the weal and welfare of the community. But we find, Sir, if we go through the literature that has been broadcast by the Government Benches, that they have laid very great stress on this point that the maintenance of law and order is the only function of Government. I will presently quote from Austin again to show that the maintenance of law and order is not the primary function of Government; it is a secondary function and it is a necessity which enables the Government to bring about the welfare of the community over which they have been placed by the deity. I cannot give long quotations as the time at my disposal is short, but this is what he says:

‘But, by most or many of the speculators on political government and society, one or a few of the instrumental ends through which a government must accomplish its proper absolute end, are mistaken for that paramount purpose.

For example: It is said by many of the speculators on political government and society, that ‘the end of every government is to institute and protect property’. And here I must remark, by the by, that the propounders of this absurdity give to the term ‘property’ an extremely large and not very definite signification.’ It is, therefore, clear, that those who want to govern must govern, not for the end of maintaining law and order, but for the purpose of bringing about the welfare of the community of which they are in charge for the time being.”

Now taking this view of the functions of an administrator, may I ask the simple question again whether the present piece of legislation fulfils this object? Will it tend to the weal and welfare of those who are in your charge at the present time? Sir, the effect of such legislation will be only to kill all political activity, as it has killed it in the past three years. In this connection I will not be doing justice to the effect of this legislation in a better way than Mahatma Gandhi did when you brought up this piece of legislation in 1932. He said:

“Repression appears to me to be crossing what might be called the legitimate limit, and governmental terrorism is spreading through the land. Both English and Indian officials are being brutalised. The latter, high and low, are becoming demoralised by reason of the Government rewarding as meritorious disloyalty to the people and inhuman conduct towards their own kith and kin. The latter are being cowed down. Free speech has been stifled. Goondaism is being practised in the name of law and order. Women who have come out for public service stand in fear of their honour being insulted, and all this, as it seems to me, is being done in order to crush the spirit of freedom which the Congress represents. Repression is not confined to punishing civil breaches of the common law. It goads people to break newly-made orders of autocracy designed for the most part to humiliate them.”

Sir, this was said in 1932. It is as true today as it was then. What do we find in the country? We may find there is peace, but it is the peace of the grave; it is not the peace of a living, active nationhood; it is the peace that you find in a house which has a perpetually mourning aspect about it. Do you want to perpetuate similar conditions. I will

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certainly appeal to my Honourable friends to my immediate left to consider the situation in a more dispassionate manner. You have inherited the great traditions of Parliamentary Government and the sovereignty of the rule of law has been the standing feature of the Parliamentary Government. Why do you want to deny us that form of Government? If you want to deny us that form of Government, why don't you say so openly? Do not pretend to give us democratic government when that government is not a democratic government at all. Do not commit fraud upon us. Do not be a hypocrite towards us but be honest. If you tell us that we are being governed by sword, I will be the first man to swear loyalty to your Government. But that loyalty, as you know, will last as long as you hold the sword in your hand. But my eyes shall constantly be on that hand which holds the sword and the first opportunity that I get to snatch that sword will be utilised by me. That is a sort of loyalty where honesty, sincerity and genuineness will prevail and not the hypocrisy and fraud. Do not treat us as simpletons and ignorant people who do not understand. You may be very strong at this time and you may be unshakable at this time. But the empires that have preceded you have left a mark up on the history of various people. Their history shows that they were as powerful in their time as you are now. Those empires were lost, not because they lost their administrators but because their administrators lost their imagination which is necessary to keep an empire. Do you mean to say that those Governments which prosecuted certain individuals were insane governments or government who had no imagination? They had it, but their imagination was as limited as is yours now. If you read the history you will find that not a single reformer or even a prophet or a *Guru* or an *Avatar* was but as a rebel to the then society. May I refer with due humility and respect to the life of Jesus Christ? Why was he crucified? He must have been crucified under similar laws and convicted by the courts then in existence. Why was the Prophet of the Mussalmans prosecuted and persecuted? Why were the Sikh *Gurus* so cruelly martyred? Has that martyrdom enhanced their respect or have they lost it? They have become deities in our eyes and we respect them and we listen to their words. But if they are to be judged by the standard which is being set now by the Government of India, then they will all be called rebels and terrorists and what not. I appeal to you even at this eleventh hour to beware of the coming danger. A time comes when people cannot be goaded to a greater extreme and then rebellion becomes a justifiable act and open revolt to the authority becomes legalised. This is not what I alone say but this is what your great jurists have said. I will take the liberty of quoting once more from Austin's book of Jurisprudence before I finish my remarks. He says :

“ If we take the principle of utility as our index to the Divine Commands, we must infer that obedience to established Government is enjoined generally by the Deity. For, without obedience to ‘ the powers which be ’, there were little security and little enjoyment. The ground, however, of the inference is the utility of Government : And if the protection which it yields be too costly, or if it vex us with needless restraints and load us with needless exactions, the principle which points at submission as our general duty may counsel and justify resistance. Disobedience to an established government, let it be never so bad, is an evil : For the mischiefs inflicted by a bad government are less than the mischiefs of anarchy. So momentous, however, is the difference between a bad and a good government, that, if it would lead to a

good one, resistance to a bad one would be useful. The anarchy attending the transition was an extensive, but a passing evil : The good which would follow the transition was extensive and lasting. The peculiar good would outweigh the generic evil : The good, which would crown the change in the insulated and eccentric case, would more than compensate the evil which is inseparable from rebellion."

Sir, in the end, I want only to appeal to the Members on the Treasury Benches. You may consider yourself quite safe and you may think that even if this House throws down this Bill, you have a power to certify it. You can do so, and you may do so, but do you know what amount of resentment you will create in the country ? Will you take into account that amount of discontent that will follow in its wake and the respect for law in the country will slowly but steadily disappear ? You and I both want the maintenance of peace : it is our mutual interest. But if you go on taking the step that you are taking now without caring for the future, you will need desperate action. But my only hope is that wiser counsels will still prevail. Sir, I have done.

Sirdar Jogendra Singh (Fyzabad Division . Non-Muhammadan Rural) : Mr Deputy President,.....

Bhai Parma Nand (West Punjab . Non-Muhammadan) . Sir, I want to speak on a point of personal explanation

Mr. Deputy President (Mr. Akhil Chandra Datta) : But the Honourable Member has not yet spoken.

Bhai Parma Nand : Certain other Honourable Members have spoken, and I want to explain my position as I understand I will not have a chance to speak

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member will be quite at liberty to speak if he gets his chance, but, having not spoken at all up to now, there is nothing to explain.

Sirdar Jogendra Singh : Sir, the Honourable Mr. Acheson, the other day, referred to King Charles' head as being the favourite nightmare of Dick. It appears the Congress has become the King Charles' head of Government and a constant nightmare for the Honourable Sir Henry Craik (Applause.) When the Ordinances expired, the Government of India came to the Legislatures, then very conveniently constituted for them, and wanted the Ordinances to become an Act of the Legislature. We are told by the Honourable the Home Member that it is true. Civil Disobedience has been called off, but the nightmare of its being revived at a future date still haunts the authorities and they cannot have sound and peaceful sleep unless the Assembly places in their hands the " Big lathi " of the Criminal Law Amendment Act which they say has helped them so well in the past. The Honourable the Home Member has my heartfelt sympathy. This, Sir, reminds me of Dionysius, the ancient autocrat of Syracuse, who felt similarly insecure. He was, therefore, constantly building up fortifications against potential conspirators to come. He was so nervous that he used to sleep in a room which could only be approached by a drawbridge in a palace which was connected with the outside world by another drawbridge.

Bhai Parma Nand : I did not quite follow your ruling, Sir. My point is that the Honourable Member.....

Mr. Deputy President (Mr. Akhil Chandra Datta) : Is it a point of order that the Honourable Member is raising now ?

Bhai Parma Nand : I want your ruling on this point, Sir. My submission is that if an Honourable Member in this House pointedly refers to another Member, who wants to make a protest against his remarks and rises to make a personal explanation, then what is your ruling ? Do you mean to say that you will not allow him to give an explanation of his position ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Chair has given its ruling.

Bhai Parma Nand : What is it ?

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Chair's ruling is that if, in reply to the speech of another Honourable Member, the Honourable Member (Bhai Parma Nand) wishes to offer a personal explanation, the Honourable Member is not in order. He will be entitled to make a speech, but no question of personal explanation arises in view of the fact that he has never spoken at all

Bhai Parma Nand : He has clearly referred to me.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Order, order :

Sirdar Jogendra Singh : The king could not trust any one, not even his own queen when asleep and hence slept all alone. The king was demoralised to such an extent that he used to pull up the drawbridge himself before he retired for the night. Sir, the Agents of this foreign Government are like Dionysius and are even afraid of their own shadows.

When Lord Macaulay formulated or, shall I say more correctly, invented the precious volume known as the Indian Penal Code, even the most eminent jurists of Britain hailed it as the most perfect Code to meet effectively offences of all kinds whatsoever.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

With the passing of time, Government have begun to feel that, that consummate Code is not enough. They further desired more arbitrary powers to meet the recurring challenge to their authority. Therefore, the Agents of the alien Government in India wish to contribute their further share towards the mischievous design of so tightening Britain's control over our Motherland as to make it impossible for us to attain complete independence which is our birthright. They first wanted the vicious Ordinances for six months only. Then they persuaded and appealed to the soft conscience of some of our predecessors, who fell an easy prey to the machinations of this foreign Government and allowed these autocratic powers for a further period of three long years. Now, the Government desire to put this barbaric Act on the Statute-book permanently. This, Sir, appears to be Dominion Status in action.

Let me tell the Government, Sir, that power unrestricted and arbitrary is like an intoxicant. (Hear, hear.) The more you take it, the more you want it. But the end of those who intoxicate themselves with power is recorded in history as the same as that of the unredeemed

inebriate. They both bring about their destruction through surfeit. The Government have brought before this House this Bill to still further deprive the entire nation of every shadow of human rights such as liberty of speech, liberty of press and even freedom of association. The Honourable the Mover of the Bill as well as the Honourable Mr. Griffiths have very eloquently advised that this atrocious Act is intended to prevent terrorism and Communism, but let me tell them, very frankly, that both these will exist in spite of this Act. (Hear, hear) The only remedy which I would humbly suggest is that the best way to extinguish terrorism and Communism is, not through the application of this Act but, by providing constructive schemes by which you can give employment to several hundred thousands of our intelligent young men who in spite of the highest academical qualifications are starving for want of food and raiments.

The Honourable the Home Member has further stated that this Bill is intended as a set-off against the so-called spirit of communalism, which is according to him in a virulent form in our country at the present moment. I may be permitted to state with somewhat brutal frankness that 'Divide and rule' has been the traditional policy of British Imperialism in this country. It has been by such tactics that they are perpetuating their domination over our unfortunate country.

If I am to state in a lighter vein, I am reminded of my school days when I read the story of the "monkey and the two cats". (Laughter.) I, however, hope that Indians, to whatever creed or religion they might belong, will think in terms of Indians first, Indians last and Indians always (Applause), and that is the only way in which we can eliminate the third party who is responsible for many of these ills suffered by us in this country. Underneath the surface of the Bill I honestly perceive evil designs to deprive the elementary right of citizenship.

If the Bill is a forecast of the new Act, as I do believe it is, I would appeal with all the sincerity that I can command to throw out the measure and save our Motherland from the further fetters of slavery. Sir, with these humble words, I oppose this Bill. (Applause.)

Mr. T. Chapman-Mortimer (Bengal : European) : Sir, in rising to support the motion of the Honourable the Home Member, I am conscious of the fact, that on the one hand, I have not the knowledge of debate of some of my Honourable friends opposite, and, on the other hand, that I have not the mastery of the subject which my Honourable friend, Mr. Griffiths, showed us the other day in his admirable, may I also say, courageous speech. If I venture to make a few remarks now, Sir, it is because I cannot let pass without a reply some of the remarks of, among others, my Honourable friend, Dr. Deshmukh. It is perhaps natural for my Honourable friend in alluding to the possibility of legislating for one Province and not for others that he should have drawn an analogy from surgery. But as my Honourable friend, Mr. Griffiths, so ably and admirably put it, the object of this Bill is not to perform surgical operations, but it is to prevent situations arising when surgical operation becomes necessary.

My Honourable friend, Sardar Saut Singh, very kindly reminded the House this afternoon of the appalling state this country was in in

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1930-31 before this present Act was in operation. I thank him for reminding us, as, I am quite sure, none of us wants to see the kind of situation arising again that we saw in those years, a situation which very definitely called for the surgical knife. I have always understood, Sir, that, before you call in the surgeon, you call in the physician. The wise physician who treats his patient for a sore head, for instance, or a gouty hand generally, does something rather different than cut it off. I imagine he orders his patient a strong physic or it may be that he suggests that he should restrain himself and that his diet be severely restricted. That, Sir, is exactly what my Honourable friend, the Home Member, has done. He proposes in this Bill to restrict picketing, to restrict the activities of unlawful associations and to restrain within the limits of decency and public safety that section of the press of this country which, over and over again, whenever these repressive laws are not in existence, forgets what decency means. According to my Honourable friends on the other side of the House the new measure is unnecessary, tyrannical and unjustified.

In an effort worthy of a better cause, in my opinion, my Honourable friend, Mr. Satyamurti, tried the other day to prove how unnecessary this Bill was, unnecessary, that is to say, in his opinion. In his view the ordinary provisions of the law are ample and cover all the subversive activities of lawless bodies or persons. If my Honourable friend means that the ordinary law lays down that incitements to murder, picketing, lawless associations and criminal conspiracy are illegal, I quite agree. But he knows and every Honourable Member of this House knows that there are forms of picketing and criminal conspiracy and incitements to murder which it is impossible to tackle under the ordinary law of this land. And it is because it is so impossible that in 1930-31 we had the most disgraceful situation not only, as my Honourable friend, Dr. Deshmukh, suggests, in Bengal, but at least as bad, if not worse, in Bombay and other provinces. That situation was only saved by the bringing in of this emergency measure, first the Ordinances and subsequently the Acts. Now, Sir, we all know how impossible it was to prevent that situation arising that arose in 1930-31, because the ordinary law of the land made it extremely difficult for the executive to catch hold of people who were the real sinners and who paid four annas to small boys and others to go to jail for them. Honourable Members admit with one breath that the crimes this Bill seeks to prevent are illegal and deplorable—I am glad they agree with Honourable Members on this side of the House on that point—but they hasten immediately to add that there is no need for Government to take any necessary measures to rectify a situation which every Government worthy of the name must face. They do not think it is necessary to bring in measures to put down these deplorable acts which they all agree are undesirable and illegal.

That, Sir, is one of the arguments of the Opposition. The second argument of the Opposition seems to be this. They say this is a tyrannical measure. One would think, after having heard some of their speeches, that they seem to think that if this Bill were passed into law the executive would become a lawless body; it would take the law into its own hands and act without any kind of restraint from the judiciary. That is absolutely incorrect.

Sardar Sant Singh : I may point out to my Honourable friend that the objection is to the substitution of executive judgment for judicial judgment.

Mr. T. Chapman-Mortimer : It would be an insult to their intelligence to suppose that they do not understand the meaning of the Bill. They know perfectly well what is proposed and that what is proposed still leaves the Courts with a very strong restraining power over the executive. It seems to me that the only conclusion we can draw from this argument of the Opposition is that they are trying to persuade some of those Honourable Members who came, as my Honourable friend, Mr. Gauba, suggests, with an open mind I am very glad indeed to hear my Honourable friend tell us that so many of his friends and he too came here with an open mind, because, I am sure, that if they consider the real issues at stake in this debate they will vote with this side of the House. If they admit that it is the duty of every Government to maintain the law and, if necessary, to restrain the liberty of individuals who are trying to take from other individuals their liberty,—and that, Sir, is present in every law because you have to restrain some persons from doing ill in order that the rest of us may go free or comparatively free,—if they admit the necessity for that, I submit that they have no alternative but to come forward and support the motion. The Honourable the Home Member has made it quite plain that though he did not say he would accept them, he was, nevertheless, prepared fairly to *consider* any reasonable amendments proposed.

In this connection, Sir, several Honourable Members including my Honourable friend, Sardar Sant Singh, said, that if only we, on this side, would frankly admit that this is an autocratic Government they would have no objection to the Bill. They say that what they object to is that India should be told that it has a democratic constitution but that on the other hand severe measures are necessary. Honourable Members who use this argument seem to forget several things. In the first place they forget that no one suggests that the Government of this country, as at present constituted, is a democratic Government though it has certain democratic aspects. At the same time no one on this side of the House calls it,—certainly I should not call it,—a democratic Government. Then again they forget that it has been stated over and over again by high authority that the present Government forms a transitional stage. My Honourable friends, rightly in my view, look to the British constitution as a better model than that of the autocracies of Italy, Germany and Soviet Russia. What they always forget is that we in the United Kingdom only reached our present stage of constitutional development after hundreds of years. They are trying to bring in, or rather we are trying to bring in with their help, a democratic constitution which will in the fulness of time place India in her rightful place among the Commonwealth of British Nations. We are trying to bring this constitution in with their help in a few decades. I suggest that if you consider that you will less often cast it in our teeth what is an absolutely untrue and unjust assumption that we, on this side of the House, are false to the promises that the British Government has made over and over again. We have not told India that she has now got democracy. We have told her that in the fulness of time we hope she will attain to it. and, as His Excellency's distinguished predecessor wisely said, the goal and the path to it are

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not the same and should not be confused. This argument of the Opposition seems to me, therefore, entirely beside the point.

Lastly, it has been argued that this all-India measure is unjustified because, so it is suggested, there is peace throughout the length and breadth of India except in these two plague spots, Punjab and Bengal. I suggest that though my Honourable friend in making this suggestion no doubt did so unwittingly, he reflects a mentality which my Bengali friends rightly resent. They feel, and I am sure all of us here feel who think it out, how unjust it is to blame them for acts for which, in many cases, they are not alone responsible and to which they have been incited by extravagant messages in the press and propaganda conducted from other centres. We all know how sentimental and nationally-minded the patriotic Bengali is, and, I think, it is unfair that we should play on his feelings, first incite him to boycott, picketing and Civil Disobedience, and then when the time comes say "Oh, no, we are quite innocent, it is the terrible Bengali and Punjabi who is the cause of all the trouble!" I submit, all-India legislation is absolutely necessary and I, therefore, strongly support the proposal that this Bill be taken into consideration by this House.

There is one other point in this connection and it is this: clause 7 of the existing Act which is sought to be retained is a clause which is only, so to speak, a permissive clause. It only comes into force when Local Governments consider that the situation in some particular district or province or city warrants its introduction. It seems to me that in these circumstances the very clever play which my Honourable friend, Mr Satyamurti, made with that section of the Bill, relating to annoyance, picketing, etc., is not a very reasonable argument to bring against this measure. After all, in the South, he says, there is peace: in that case it is quite certain or almost certain that in his province, at all events, this section, which worries him so much, will not come into force at all.

Finally, Sir, the issue before the House seems to me simply this: do we admit that picketing, criminal conspiracy and incitement to murder are evils? If Honourable Members are agreed that they are evils, we have to consider whether or not this Bill is necessary in the interests of the maintenance of law and order and, in particular, to safeguard the Government and the community against these three evils caused by lawless persons. If we are agreed that that is the issue, it is impossible that there can be any doubt as to the way in which we should all vote when the division time comes. After all, if Honourable Members feel that they agree with the principle that these acts are evil and illegal, they still have always the opportunity to put forward reasonable and sensible amendments. For as the Honourable the Home Member has already told us, if this motion is passed by the House, he will be open to consider all such reasonable amendments.

Mr. M. Asaf Ali: Mr President, I have risen to offer just a few observations and remarks with reference to this Bill, before the House is actually upon to register its vote. Various aspects of the Honourable the Home Member's speech which he delivered in support of this Bill have been touched upon by speakers on this side of the House, but I feel that

there are at least two points which have been left untouched and I shall try to refer to them. While the Honourable the Home Member was speaking in support of this Bill, it struck me that he had chosen, for the text of his speech, a sentence which I would not be far wrong in adopting myself for my speech today. He said "the price of liberty is eternal vigilance"; and it is vigilance which animates us on this side of the House to oppose this Bill. We want vigilance on their side as much as on our side: we must watch their actions, watch their proposals and see to what extent they go against the liberties and the freedom of the people. But of that later on. In the course of his speech, which was rather brief—and there is a reason for its being very brief.....

The Honourable Sir Henry Craik (Home Member). You ought not to complain of that.

Mr M Asaf Ali: I should not complain of it—it was very concise indeed and telling in its own way. There was a good reason for it. While I was listening to the Honourable the Home Member's speech, I was wondering whether it was born of the conviction that this Bill was absolutely essential to the maintenance of peace, law and order or not; and, towards the conclusion of his speech, I was convinced that it was not born of that conviction, but it was born of a confidence, which is always there on the Treasury Benches, a confidence that, whatever the result in this House, so far as this Bill is concerned, it will find its way somehow or other into the Statute-book. That is why the Honourable the Home Member's speech was concise, and not as detailed as it should have been. When you are proposing a measure of this nature, when you are asking for special powers or when you are trying to perpetuate special powers, you ought to support it with facts and figures—you ought to place before us definite facts and figures which might justify your demand. But what do we find? Not one tittle, not one shred of argument which is supported by facts and figures—only the Honourable Member from Midnapore who was fitly described by Dr. Deshmukh as the Mussolini of Midnapore—a nickname which might go down in history—tried to bring up a few facts and figures, and they were utterly misleading. They were wrong, as I shall have time and opportunity enough to prove later on. They were not the facts and figures that we wanted. (Official Laughter) He who laughs last laughs best—do not laugh too soon. What were the facts and figures that he brought up? The facts were only with regard to murders—(Official Members: "Oh, no.")—only murders, and I shall tell you a tale of murders—do not worry—murders by whom? By terrorists. About 300 of them, heinous, despicable, abhorrent murders, and we detest them as much as you do. (Honourable Members: "Oh.") Do not say "Oh": we are sincere, we are honest; when we say a thing, we mean it. If we did not believe in the creed in which we do, you would have heard a different tale. (Cheers from Congress Party Benches.) And today India's fate would have been different. (Hear, hear.) You ought to be thankful to the Congress whose policy of non-violence has checked political assassination and terrorism, and do not imagine for a single moment that it is your preventive measures or your repressive laws that have gone and controlled the terrorists. It is the Congress, it is the non-violent creed of the Congress that has prevented

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and controlled the terrorists. And, talking of murders, Sir, they ought to know a few facts and figures from their own reports. Let them just refer to their own reports, and they will find that, during one decade, beginning from the year 1921 up to the year 1931, there were as many murders reported in India as 62,800 and odd, and in how many of these cases were convictions obtained ? With all the great paraphernalia which they always ask us to finance, with all the police and all the other arms that they have in their armoury, what did they do ? In only 17,000 and some odd cases could they obtain convictions. What happened to the 45,000 and odd ? Do you place the murders of poor people

Mr President (The Honourable Sir Abdur Rahim) : The Honourable Member should address the Chair.

Mr. M. Asaf Ali : Do Government, Sir, place murders of these 55,000 and odd people on a different basis to the murders of 300 public servants, murders that are equally despicable, equally abhorrent ? You may ask me why these 55,000 cases were not successful. My answer to that is, all the attention of the Government is concentrated on nothing else, but what they call, political crimes which are merely political demonstrations. The police is engaged the whole time in tracking down innocent political demonstrators, and thousands and thousands of people are run after by them, while they leave these murders alone ; they leave other crimes alone. Let me give the House a more detailed account of some of the other crimes which have been committed in India during the last decade and what they have done with respect to them. Sir, in 1932, as many as 167,939 cases were reported of house trespass, and house breaking with intent to commit theft, and how many convictions were obtained ? 22,000 convictions were obtained. And this tale goes on year after year, murders, dacoities, serious offences against person, ordinary theft, and so on, and, on an ordinary calculation, that I made, I found that as many as two million cases were left untraced. Did you then ever come to us

The Honourable Sir Nripendra Sircar (Law Member) : The Honourable Member is not addressing the Chair.

Mr. M. Asaf Ali : Did Government come to us then and say that the ordinary law of the land was insufficient, it was inadequate, and whether we would strengthen their hands with respect to these murders, whether we could not give them more powers, even under the ordinary Indian Penal Code ? Did they ever come to us ? They did not. They did not pay even a second thought to this. But today, when the Civil Disobedience Movement is not in existence, when this movement is not in progress, today when they themselves admit that the situation with regard to terrorism has improved tremendously,—they themselves admit that for a long time there has been no terrorist crime,

The Honourable Sir Henry Craik ; No, no ; I said nothing of the sort.

Mr. M. Asaf Ali : How many crimes have been committed during the last two years ?

The Honourable Sir Henry Craik : During the last five months,

Mr. M. Asaf Ali : I am asking for two years or for even one year ?

The Honourable Sir Henry Craik : Certainly a dozen murders.

Mr. M. Asaf Ali : How many convictions have been obtained in each case ? In how many cases have you been able to trace not merely murders, but conspirators connected with them ?

The Honourable Sir Henry Craik : What is the relevancy ?

Mr. M. Asaf Ali : The relevancy is this, that the ordinary law is more than enough for your purposes. You cannot restrain murderers by passing this measure. Do you know how revolutionary conspiracies are hatched ? There is the gentleman sitting next to you, Sir Muhammad Zafarullah Khan,—I had the honour of working with him in connection with the trial of the Delhi conspiracy. He knows something about it. Please ask him, and he will tell you that these conspirators do not go and put up their sign boards in public places and say : “ This is a society for committing murders ” These are secret societies. You cannot possibly control them by declaring secret associations unlawful, and, even if you do, it makes no difference whatever to them.....

The Honourable Sir Henry Craik : Address the Chair.

Mr. M. Asaf Ali : The whole time I have been addressing the Chair, and if I face the Honourable Member, he ought not to feel frightened. In so far as the facts and figures are concerned, I simply want the Government to place before us the actual facts and figures relating to the failure of the Government to obtain convictions in cases of the nature with which they want to deal under this law. This Bill, Sir, is really the tabloid form of the emergency legislation that has preceded it. It is the tabloid form of all the Ordinances which were condemned in this very House, and by none with greater eloquence than yourself. I shall just read one passage from your own speech. Referring to these Ordinances, you said on one occasion :

“ I maintain that the scope of the Ordinance is to deprive every one of every vestige of right of personal speech, right to liberty, right to property, right to association and every right that a human being may possess, and who is the Indian with the least self-respect who can tell the Government. ‘ We have confidence in you, and what you have done is right.’ Is this how you are preparing India for Swaraj, for Dominion Status. You have deprived the entire people of their elementary and fundamental rights.” (Hear, hear.)

In these words you described the Ordinances, and the Ordinances were then translated into emergency legislation. The emergency legislation had three years’ run under circumstances which are known to every one. And, now, when the emergency legislation is about to expire, they come to us asking us to grant a new lease of life—not a new lease of life, but to grant perpetuity for this Bill. Mr. President, the Honourable and Learned Home Member or the gallant Home Member, whichever you like, in his speech said something which touched my heart, and it must touch the heart of every decent Indian. He said, one of the reasons for bringing up this legislation at this time was that the present Government wanted to oblige their successors. The present Government wanted to spare their successors the odium which they might incur if they also

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sponsored an odious legislation of this kind. I agree with the Honourable the Home Member that this is an extremely odious, an atrociously odious, a scandalously odious piece of legislation. But since he proposes to do his successors a good turn, we, as the representatives of his successors, may tell him and assure him that we will not be outdone in this act of generosity. This mood of expansiveness, this generosity, this solicitude for the future Government of this land is really worthy of gratitude, and we can show our gratitude in only one way, and that is, to spare the present Government the odium of carrying this measure through. We would like to reject this measure here and now so that the present Government may be spared that odium. One good turn deserves another. That is the only way in which we can oblige them.

So far as the real objects and reasons for this legislation are concerned, I have got some observations to offer. My first suspicion is, which I was mentioning to another colleague of mine—my first suspicion is that probably the present Government is under the impression—I do not know, it may or it may not be so, but I feel that it is so—I suspect that they are under the impression that under the new Government of India Act, 1935, there is a provision made for concurrent legislation by the centre and by the provinces in so far as the existing criminal laws are concerned. The actual phrasing I forget, I have not got the Act with me here, but I believe it is something like this, that in regard to criminal laws there will be concurrent jurisdiction. The Central Legislature and the Provincial Legislatures will enjoy concurrent jurisdiction only in so far as those criminal laws are concerned which happen to be on the Statute-book at the time of the passage of the Bill. If that is so, then I am absolutely certain that the present Government of India feel that under the new Act the Central Legislature will have no authority to undertake legislation of this character concurrently with the provinces.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : That is entirely wrong.

Mr. M. Asaf Ali : It may be wrong, I am only stating my suspicion.

The Honourable Sir Muhammad Zafrullah Khan : I am giving you information.

Mr. M. Asaf Ali : The information is very welcome, but I can assure you that legal opinion may differ. You are entitled to your opinion and I am entitled to mine. We are both lawyers. Probably I have got as much right to say that I am right as you have to say that you are right.

The Honourable Sir Muhammad Zafrullah Khan : And more.

Mr. M. Asaf Ali : I did not say that. If you happen to be a Member of Government,

Mr. President (The Honourable Sir Abdur Rah'm) : The Honourable Member must address the Chair.

Mr. M. Asaf Ali : It was simply because the other Honourable Member addressed me directly that I had to answer him directly.

An Honourable Member : Paying off old scores !

Mr. M. Asaf Ali : This is one of the reasons I suspect, but supposing that that reason is not right, I was really surprised that the Honourable the Home Member abandoning the printed objects and reasons here, which happened to be only three, wandered far and wide and opened a new door to an argument and reasoning by bringing in three other reasons. In the printed paper I find the following objects and reasons :

“ The present Act includes—

- (a) provisions against certain forms of intimidation,
- (b) provisions against associations dangerous to the public peace, and
- (c) provisions to secure greater control over the Press ”

So, obviously, the object of this legislation is not to crush terrorism, —not a word is said about terrorism here,—not to crush terrorism, not to crush communalism as was affected by the Honourable the Home Member, but only to control the press and to have some provisions to crush what they call associations dangerous to the public peace. I have already said that, in so far as terrorist organisations are concerned, there is not the ghost of a chance of any enactment of this nature ever grappling with that problem. And why do I say so ? The history of terrorism is before you. It began in 1903, I should not like to go beyond that, although it is quite possible for one to go as far back as 1857 and trace the whole history upwards, but I shall only confine myself to the period beginning with 1903. It was in 1903 that Barin Ghosh, who went from Ahmedabad to Calcutta, to try and establish an association, but he failed. By 1905, other associations had sprung up. In 1907, we had the first bomb outrage, and then the history of repressive legislation commences. In 1908, the Government passed four or five repressive legislations, among which three happen to be legislations on which this Bill is based, namely, Incitement to Offences Act, the Seditious Meetings Act, and the Criminal Law Amendment Act of 1908. These three Acts were passed. But did the number of terrorist outrages after that dwindle down, or did it continue to mount up ? The history of terrorism is rather eloquent in itself. The terrorist outrages continued to multiply. By 1910, the Government felt compelled to have a Press Act, the Press Act of 1910. Then, by 1911, they wanted more and more repressive legislation, and the history of repressive legislation goes on. It is a melancholy tale, it is a most mournful tale. Year after year some legislation was being brought up until in 1919 we had the Rowlatt Bills, one of which became the Rowlatt Act which never came into operation. Did the terrorist outrages dwindle down in number ? On the contrary, year after year the terrorist outrages were mounting up.

Then came the Congress movement. The Congress adopted the creed of non-violence, and if you then study the history of terrorist outrages you will find that the adoption of the creed of non-violence had its own effect. They are talking about the inadequacy of ordinary laws. They fought down the rising of 1857 without these laws. They fought down the Wahabi movement, which was a regular uprising, without these laws. They fought down the *Thuggee* and *Kooki* movement without these laws. And are they now telling us that the ordinary laws have ceased to have any effect ? My answer to that would be they are bad workmen who are quarrelling with their tools. They do not know how

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to use them. They do not know the powers under the existing laws, that is quite obvious. I shall have an opportunity later on perhaps to examine the Bill itself and the provisions of this legislation clause by clause and show you how they are futile, or superfluous, or too dangerous. They fall into three categories; either they are superfluous because ordinary laws are more than enough, or they are so dangerous that we cannot possibly clothe the present executive with these powers, and we will never do so. After all, the new Government are coming into existence. They will deal with these matters themselves when the opportunity arises and let not the present Government forget the fact that there is a world of difference between the mentality of those who now adorn the Treasury Benches and the mentality of those who are going to adorn the Treasury Benches in the future, because there will be no nominated blocks as far as the provinces are concerned at any rate and people will depend entirely and absolutely on their electorates, people who have been in close association with those who are accused of being either agitators or persons who are in sympathy with certain movements which are called subversive. Mr. President, this poor word "subversive" is one of the most over-worked terms employed in this House. The word subversive has been before us for a very long time and somehow or other we do not seem to be quite sure what it really means, because the passage of a peaceful political procession through a street is a subversive movement. The wearing of khaddar becomes a subversive movement. Once I had a most interesting experience while I happened to be acting as *amicus curiae* in one of these political cases when I had to examine the City Magistrate of Delhi. He said "Yes, such and such a person is definitely guilty under section 16 of the Criminal Law Amendment Act". "But how?" "He was participating in activities organised by an unlawful association." I put this question: Suppose the unlawful association says "keep clean, use soap every day" and I go and use soap in obedience to the instruction of that unlawful association, would I be guilty of an offence?" "Decidedly yes" was the reply. Supposing the unlawful association says "promote your own industries, wear khaddar" would you hold me guilty of that offence? The answer was "Decidedly yes, because you are following the instructions of an unlawful association. These are the directions issued by an unlawful association and so long as you obey those directions you are committing that offence". That is the mentality of those who deal with these laws. Do the Government want us to clothe them with these powers so that they may be abused indiscriminately? This is not the only illustration. I have got here heaps of literature which I could read out to you. Perhaps it will take me days to read all these instances of the abuse of the law by executive authority. These are the bulletins issued by the Congress from time to time and the interviews which international travellers granted to representatives of the people during the continuance of the repression of the so-called subversive movement and there are various other reports written not by the Congress but by others. If I were to read all of them it would take me weeks together. Let me give you a few illustrations of the manner in which these laws operate in actual practice. It is all very well to talk of the maintenance of law and order. Believe me these Acts have proved in India a

veritable Pandora's Box. All the evils have flowed from them. These repressive laws have been at the foundation of most of the movements that have come into existence in India. But instead of reading these illustrations of the abuse of law and instead of reading these various reports, I should like to read to this House the opinion of the Repressive Laws and Press Committees, because that would be far more relevant. These Committees were constituted in 1921 and considered the various enactments which were considered to be objectionable by certain sections of the people. Fortunately, at that time, Sir Tej Bahadur Sapru happened to occupy the position which the Honourable Sir Nripendra Sircar occupies today.

The Honourable Sir Nripendra Sircar : He now regrets the mistake he made.

Mr. M. Asaf Ali : Before I read the opinion of those committees, I should like to read a passage out of the Government communiqué which gave the opinion of the Government of India with regard to the movement which was then in progress. The movement which I am referring to was the non-co-operation movement which had already begun in 1921 and this was the opinion of the Government of India of those days. This Resolution is No 4484, dated the 6th November, 1920 :

“ In the first place, they (Government) have been reluctant to interfere with the liberty of speech and freedom of press at a time when India is on the threshold of a great advance towards the realisation of the principle of self-government within the Empire, when indeed the first elections are only in sight ”

Exactly the same situation faces us today. The new elections are in sight.

The present Government do not want the new Government to begin with a clean slate. They want to write as much as possible on this slate and hand this disfigured palimpsest to the new Government and start the new Government with this halter round their neck. Is that what they want to do ? The Honourable the Home Member said that he wanted to save the new Government the odium of sponsoring such a legislation. Can the new Government last 24 hours if it resorts to this kind of legislation ? It cannot last 24 hours. Therefore they are trying to cut the very ground from under their feet and not only that, by asking us to be parties to such a legislation, they are cutting the ground from under our feet. What elected Member, I should like to ask, would have the courage to be a party to the passage of this enactment and then go and face his constituency ? He will not be able to come back to this Assembly or any Legislature, much less form a Government. If the Honourable the Home Member felt that he was doing a great good turn to the future entrants and to the future Government, I am afraid he was very much mistaken. Or perhaps he was rather astute.

The Honourable Sir Henry Craik : I am never astute.

Mr. M. Asaf Ali : They (the Government) said further :

“ In the second place, the Government are at all times reluctant to embark on a campaign against individuals some of whom may be actuated by honest, if misguided, motives. This consideration is reinforced by the knowledge that the form of prosecution under the ordinary criminal law ”

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— and this is what I want the present Government to take note of—

“ that the form of prosecution under the ordinary criminal law would be likely to give those against whom it might be directed the opportunity of posing as martyrs and might also by evoking false sympathy swell the number of adherents to a cause which has in itself no intrinsic merit to commend it to public acceptance.”

And what was said of that movement by the Government then may be said of communism today. I do not know why we on this side of the House always accuse the present Government of lack of imagination!

I think the Honourable the Home Member evinces a tremendous amount of imagination. He indulged his imagination and drew upon his imagination a good deal, when he created this mare's nest of communism. Where is that communism? How many associations are there in India today, and in how many centres do you think they can possibly strike roots? Sir, India is the last place where, for a long time to come, communism can strike its roots. The kind of communism which now prevails in Indian villages, that is, communes (they are not villages but they are communes), where people share a common life, that is the kind of communism which is acceptable to India today; but the kind of communism to which the Honourable the Home Member was referring will take a long time to find a footing, and until that time arrives, I do not think there is any need for the present Government to bother its head, to worry itself, about its existence. I would like, Sir, now to go back to the opinions of these Committees first. Now, Sir, a Committee was appointed, I think, in 1921 under the presidency of Sir Tej Bahadur Sapru: and, after having considered the Press Act of 1910, which was considered an extremely obnoxious measure in those days, in spite of the fact that the non-co-operation movement was in progress, they came to these conclusions. They said:

“ It is apparent, however, that the main object of the Act ”—(*that is to say, the Press Act of 1910*)—was to prevent the dissemination of incitement to violence and sedition, although the scope of section 4 of the Act is much wider.”

Then, they said:

“ The chief questions that have to be examined, in our opinion, are, firstly, whether the Act has been effective in preventing the evil against which it was directed. Secondly, whether legislation of this character is now necessary for the maintenance of law and order; and, thirdly, whether, on a comparison of the advantages and disadvantages which the retention of the Act would involve, its continuance is desirable in the public interest ”.

—and they came to the definite conclusion:

“ We may say at the outset that on a careful consideration of these points, we are of opinion that the Act should be repealed.”

Well, it was repealed. Later on, they say:

“ We are not, however, satisfied that the cessation of such incitements is due solely or even mainly to the Act or that in present conditions the ordinary law is not adequate to deal with such offences.”

Sir, this was their opinion. I am not the only one who says that the prevention of these incitements to murder, etc., has not been due to

the repressive laws. This has been due to other causes. Later on, Sir, they said :

“ Many witnesses indeed are of opinion that the Act is fatal to the growth of a healthy spirit of responsibility in the Press and that it deters persons of ability and independent character from joining the profession of journalism. Finally it is maintained that the Act places in the hands of the executive government arbitrary powers, not subject to adequate control by any independent tribunal, which may be used to suppress legitimate criticism of Government and that such a law is entirely inconsistent with the spirit of the reforms scheme and the gradual evolution of responsible government. There is in our judgment great force ”

—mark these words—

“ There is in our judgment great force in many of these criticisms. We find, as already noted, that the Act has not proved effective in preventing the dissemination of sedition and that it is doubtful whether it is necessary to retain it for the purpose of preventing incitement to murder and similar violent crime ; ”

Now, Sir, there are some provisions here, in so far as the press is concerned, which relate to the confiscation of presses, the forfeiture of securities, and so on,—and this is the opinion which that Committee formed at the time :

“ We have also considered the question of vesting Courts of Justice with power to confiscate a Press, if the keeper is convicted for the second time of disseminating sedition. Although section 517 of the Criminal Procedure Code affords some faint authority for the enactment of such a provision in the law, we feel that it would operate inequitably, particularly in the case of large and valuable presses used not only for the printing of a particular paper but also for other miscellaneous work ”

This was with respect to the press law of the time. I think I can quote at some length portions of the opinion of this Committee which we ought to consider while we are considering this particular Bill. Now, Sir, in the same year there was what was called the Repressive Laws Committee and this is what that Committee put on record in the year 1921, I repeat when the non-co-operation movement was in its full swing .

“ We also appreciate the fact that the use of the ordinary law may in some cases advertise the very evil which the trial is designed to punish. It is undesirable that any Statutes should remain in force which are regarded with deep and genuine disapproval by a majority of the Members of the Legislatures. The harm created by the retention of arbitrary powers of imprisonment by the Executive may, as history has shown, be greater even than the evil which such powers are directed to remedy. The retention of these Acts could in any case only be defended if it was proved that they were in present circumstances essential to the maintenance of law and order. As it has not been found necessary to resort in the past to these measures save in cases of grave emergency, we advocate their immediate repeal ”

The result was that the Seditious Meetings Act went by the board, it was repealed. The Incitements to Offences Act was repealed. The Press Act went by the board ; and not only that, even the Criminal Law Amendment Act, 1908, was retained only in so far as the second part was concerned, and the first part was repealed. Now, this was at a time when a grave emergency existed,—this was at a time when, I believe, it was Lord Lloyd, Sir, who happened then to be the Governor of Bombay, who said that these people (the Congress) came within an ace of success—I believe it was Lord Lloyd (*Voices* : “ Yes, yes ”)—well, it was at that time that all these repressive laws were repealed and, today, when no emergency exists of any description whatsoever, you ask us to clothe you with this amazing authority !

[Mr. M. Asaf Ali.]

Where, Sir, is the necessity? Terrorism, I have already told you, cannot possibly be controlled by this Act. Communism does not exist; it is not a present danger. Now remains communalism. Yes, that is a danger at the time. I am in entire agreement with the Honourable the Home Member when he says that the communal tension today is much greater than it has ever been before. I think he said that during the 40 years of his service he had not known communal tension worse than it happens to be today. I believe he used words to that effect and I am in entire agreement with him. But may I ask the Honourable the Home Member and the Government which he represents: Who is the author of this communalism? Is it or is it not a fact that in 1906 Lord Minto sent for the Nawab of Dacca and all those gentlemen who happened to be members of a deputation and before doing so, he had already been in communication with Lord Morley who happened to be the Secretary of State for India at that time. It is recorded in the letters of Lord Morley who wrote back to Lord Minto and said: What is this new hare that you are starting? I believe he used words to that effect. And what was the new hare? The new hare was separatism. Until that time India had not known separate elections and it was in 1909 for the first time that they came into existence. From that day onwards communalism has been the bane of India. I beg my Mussalman friends to forgive me and I am not suggesting for a single second that they should or should not ask for separate electorates. I am not suggesting anything of the kind. But my answer to the Honourable the Home Member is: If by communalism Government means the demand of certain communities for jobs and the demand of certain communities for seats, then the Government has killed communalism by giving the jobs they wanted and the seats they wanted. I should like to know why any communalism should be there now? If the answer of the Government of India is that they cannot control the Frankenstein which they themselves once created, then I would ask them to leave it to us. Let us come and occupy the seats which you are occupying now, and we shall deal with the Frankenstein and lay it to its eternal rest.

The Honourable Sir Henry Craik: You have had several tries at it.

Mr. M. Asaf Ali: I shall take up that challenge. Yes, we made several desperate tries and honourable efforts and what was the result? Every time some new hare was started by you. What did we not do at the Unity Conference of Allahabad and Lucknow? For weeks we were sitting together and we nearly solved our problems when within a week of the solution of that problem—I should not like now to give out the names—I had the honour and privilege of meeting one of the Members of Government who happened to be a Member of Government at the time. At any rate, he was in agreement with the solution which we had arrived at and within the next week what did we find? A message was received from London and that was more than enough to frustrate our efforts and the whole thing went by the board.

Seth Haji Abdoola Haroon (Sind : Muhammadan Rural): To which communal settlements are you referring?

Mr. M. Asaf Ali: Unfortunately you happened to be attending the Round Table Conferences in London when we were making our efforts.

At any rate, you did not happen to be in India at the time. Perhaps you were in Ottawa. Anyway, these developments were being watched by those who were at the Round Table Conference and we have been authoritatively informed that our deliberations and the conclusions at which we arrived had a good deal to do with some of the conclusions which were arrived at at the Round Table Conference. This is what I was told : I do not know how far it is true. I am not in the know of things. Those who attended the Round Table Conferences must know about it.

The Honourable Sir Nripendra Sircar : Attended by whom "

Mr. M. Asaf Ali : I believe you were at the Round Table Conference at the time

The Honourable Sir Nripendra Sircar : No : I did not attend the Second Round Table Conference

Mr. M. Asaf Ali : At any rate, my simple and straightforward proposition is this. You created this monster : you created this Frankenstein, you cannot control it today and you have confessed your inability. We will not grant you any power to deal with it now because there is the ordinary law. If you cannot control it, we will do that when we come to occupy your places and I can assure you that the ordinary law will be more than enough for our purposes and we shall deal with this monster as well as any other monster that may arise hereafter all right

In so far as the question of presses is concerned, I think in the beginning I made a reference to the Member from Midnapore who quoted wrong figures. I believe he told this House that there were as many as 4 thousand and odd presses in India. That is perfectly correct. But there are not as many newspapers. There are only 1,282 newspapers in India including daily journals

The Honourable Sir Henry Craik : There are over 4,000 newspapers.

Mr. M. Asaf Ali : Then I shall stand corrected. I should like to know the Government's figures. I am only quoting from this book ("Time's Indian Year Book"), which, I believe, is well-known to everybody. It says that there are 4,509 presses and 1,282 newspapers. Out of these 1,282 newspapers, 448 have been dealt with by you and all these 448 have ceased publication. That means that practically 50 per cent. of the newspapers of the country have ceased to exist on account of the inequitable, unjust and tyrannical operation of the law.

The Honourable Sir Henry Craik : The Honourable Member's figures are quite wrong. The total number of newspapers according to my figures is 4,630.

Some Honourable Members : That figure includes newspapers and periodicals.

Mr. M. Asaf Ali : I am talking only of the newspapers and I am quoting from a well-known book of reference—the Indian Year Book of the *Times of India*. I can assure you that it is not a Congress book ; we have not published these figures. There are not more than 1,282 newspapers in India ; there may be more periodicals.

The Honourable Sir Henry Craik : But they are subject to the same law.

Mr. M. Asaf Ali : You know what class of press and what class of journals you want to get at. You have been getting at nothing else but newspapers. I can read out the entire list of those papers which have ceased publication, dailies and weeklies.

Well, Sir, in so far as as special legislation is concerned, and in so far as special powers are concerned, I should like to put a few principles on record by which they ought to be judged before any Legislature can possibly agree to clothe the executive with special powers. The first of these principles should be that the special powers asked for must cover certain conditions existing in the country. The Honourable the Home Member made certain nebulous, general and vague assertions but he did not prove the existence of the conditions which require an enactment of this nature. Special powers must be proved to be absolutely necessary because the ordinary law has failed. I have already shown that there is nothing whatsoever before the House to lead us to think that the ordinary law of the country has failed to attack the kind of evil which is intended to be controlled, arrested and extinguished by this legislation. On the contrary, we find that so far as terrorism is concerned, Government admit that there has been an improvement in the situation. In so far as Communism is concerned, Government have put forward no case whatsoever. Special powers must have the fullest sanction of the people and should not be assumed in deliberate opposition to the will of the people. I feel, Sir, I am perfectly right when I assert that the bulk of the country is dead opposed to any legislation of this nature as is fairly clear from the attitude of Honourable Members of this House. Various Honourable Members have spoken from both sides of the House and you know, Sir, that the majority of the elected Members of the House has already spoken against the Bill which shows that public opinion, at any rate, is not with the Government. Repressive laws have never achieved their object. I have already told this to the House. The history of terrorism on the one hand and the history of the ordinary non-violent national struggle on the other is absolutely sufficient to prove this assertion, namely, that repressive laws have never crushed any of these things. Have you forgotten the history of various other countries? Did not the British Government enact a Prevention of Crimes Act in 1882 and again in 1888 for Ireland. What was the result of it? The result of it was that not very long ago, Ireland became a Free State and the British King had to issue a Proclamation by which he convened a Constituent Assembly which Constituent Assembly settled the constitution for Ireland. If repressive laws could control the national destinies of people, then Ireland ought to have been today as much a subject nation as India happens to have the misfortune of being today. Repressive laws cause resentment and agitation and tempt the people to disobedience and generally drive the movement underground. That they cause resentment you cannot deny. So far as the Civil Disobedience Movement is concerned, it is not a subversive movement. It can never be called a subversive movement. I am prepared to join issue with any constitutionalist anywhere and assert that civil disobedience is a perfectly constitutional movement.

It is merely a political demonstration because the Government happen to be absolutely irremovable. We cannot turn the Government out of power. We cannot control their legislation. What else are we to do in this House? Will the Government kindly change places with us and let us then see what they will do under similar circumstances? Supposing we formed an irremovable Government. Supposing we made laws to control their destinies which they cannot possibly influence in any way. What would they do under such circumstances? Would they or would they not civilly disobey the laws? I think every Britisher would be the first to say, "I am not going to obey laws of this nature". Therefore in so far as Civil Disobedience is concerned, it is a perfectly constitutional movement, but I admit that revolutionary movements are different. I also wanted to say that repressive laws always put a premium on inefficiency among both the magistracy as well as the police. Why? Because the attention of the police is focussed upon, and their attention is diverted to political offences and they let the ordinary offender alone. The result is inefficiency in administration. All ordinary criminals go scot-free, whereas the political demonstrators are tracked down as criminals. Sir, I know that there are other better and abler speakers, rather I should say there are able speakers, for I do not claim any ability, who will later on speak on this motion and so I do not wish to take up the time of the House. I shall address only one word to the elected Members of this House. In so far as the Government are concerned, their mind is made up and those who support the Government are not likely to be influenced by any arguments that may be addressed to them here. So, it is absolutely unnecessary for me to address them, for their minds are up. To the elected Members, I should just like to address one word. If the elected Members desire to go back to their constituents some day, then they ought to remember that the atrocious nature of this enactment will not easily be forgotten by their constituents. The country will not forget their actions whatever they may be and they have to think a hundred times before they cast their votes for the consideration of this measure; for to vote for the consideration of this Bill means that you accept the principle of the Bill. If the elected Members are going to be a party to the acceptance of the principle of the Bill let them remember that they will have to go back to their constituents. I need not paint a gloomier picture than that of one of the ex-Presidents of this very House who happened to be occupying a seat in one of the Boxes the other day. In so far as he was concerned, it was only the Ottawa Pact that made him lose his seat in this House.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member ought not to discuss personalities here.

Mr. M. Asaf Ali : I have named none. I am only just reminding the elected Members of the fate which awaits those who betray the country. ((Cheers.))

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 10th September, 1935.

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LEGISLATIVE ASSEMBLY.

Tuesday, 10th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

PERSONNEL AND OTHER DETAILS OF THE DELIMITATION COMMISSION.

228. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether any correspondence was going on between the Secretary of State and the Government of India regarding the personnel and other details of the Delimitation Commission ;
- (b) when that Commission will be sent out to India, and what the scope of its work will be ; and
- (c) whether this House will be consulted in this matter at any stage, and if not, why not ?

The Honourable Sir Nripendra Sircar : (a) and (b). I invite the Honourable Member's attention to the communiqué of the 31st July announcing the personnel, terms of reference, etc., of the Indian Delimitation Committee. The Committee is expected to begin its work at the end of September.

(c) The Government of India propose to give the Indian Legislature, in due course, an opportunity of commenting on Federal matters covered by the report of the Delimitation Committee before framing their recommendations to His Majesty's Government.

Mr. S. Satyamurti : In view of the fact that the Federal Legislature, i.e., the lower House will be composed of representatives indirectly elected by the Provincial Legislatures, will Government give this House an opportunity, at a suitable date, of pronouncing upon the provincial franchise as well ?

The Honourable Sir Nripendra Sircar : At the present moment, I cannot give an assurance, but I can undertake to convey this request to Government.

Mr. S. Satyamurti : May I know if Government's attention has been drawn to a proposal, specially in Madras, for the single transferable vote in joint electorates which return *harijan* candidates, and do they not consider that that goes against the spirit, if not the letter, of the Poona Pact, to which His Majesty's Government is a party ?

The Honourable Sir Nripendra Sircar : I am sorry that I did not know that I shall have to answer this question today in a particular matter relating to Madras, and I am afraid I cannot answer it.

Mr. S. Satyamurti : Will Government send for the papers and consider this very important question that a proposal of the Provincial Franchise Committee accepted by the Provincial Government goes right in the teeth of the Poona Pact ?

The Honourable Sir Nripendra Sircar : We are quite prepared to consider the objection which has fallen from my Honourable friend.

Prof. N. G. Ranga : When the proposals of the Provincial Delimitation Committees are sent to the Government of India, will the Government of India try to consult the Indian Delimitation Commission also about their views in regard to those recommendations ?

The Honourable Sir Nripendra Sircar : I have said in answer to a supplementary question from my Honourable friend, Mr. Satyamurti that I am not prepared to give any guarantee or undertaking, but I am prepared to carry this to Government for consideration.

Mr. S. Satyamurti : May I know if Government's attention has been drawn to the proposal of the Provincial Franchise Committee in Madras and accepted by the Madras Government that tens of thousands of graduates who now enjoy the franchise should be deprived of the franchise for the University seat in the Provincial Assembly, and whether Government propose to consider this matter ?

The Honourable Sir Nripendra Sircar : I have already said that I shall see that they consider the matter.

Mr. T. S. Avinashilingam Chettiar : Is it the policy of Government to have a uniform system of franchise throughout the country or to have separate systems of franchise for each province ?

The Honourable Sir Nripendra Sircar : I cannot make any pronouncement on Government's policy and I do not know that there is a definite policy in this matter. It must wait until the publication of the report of the Delimitation Commission and discussion in this House.

Mr. S. Satyamurti : Is it the policy of Government to extend or restrict the existing franchise as a whole ?

The Honourable Sir Nripendra Sircar : I think it is fairly clear from what has happened before that the idea is to extend and not to restrict.

Mr. F. E. James : Is the Honourable Member aware that in Madras the representatives of the party to which my Honourable friend, Mr. Satyamurti, belongs, though invited, declined to serve on the Delimitation Committee ?

The Honourable Sir Nripendra Sircar : I was not particularly aware of that, but I am prepared to take it from my Honourable friend as correct.

Mr. S. Satyamurti : Are Government aware that the Committee was packed with representatives of the reactionary party and we would be in a hopeless minority ?

The Honourable Sir Nripendra Sircar : I absolutely repudiate that suggestion.

AMENDMENTS OF THE GOVERNMENT OF INDIA BILL IN THE HOUSE OF COMMONS
REGARDING THE PRINCES AND THE FEDERATION.

229. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether, with regard to the amendments of the Government of India Bill in the House of Commons, regarding the Princes and the Federation, they were consulted by the Secretary of State ;
- (b) if so, what the advice was which they gave ; and
- (c) if, apart from consultation, they made any representations in this matter to His Majesty's Government ?

The Honourable Sir Nripendra Sircar : With the permission of the President, I would like to answer parts (a), (b) and (c) of the question as a whole.

The Government of India were consulted by the Secretary of State on the amendments referred to by the Honourable Member, but I regret that I am not in a position to disclose the contents of the confidential correspondence.

Mr. S. Satyamurti : May I know, if the reason for Government's refusal is that public interests will be affected ?

The Honourable Sir Nripendra Sircar : My Honourable friend has for once correctly anticipated the formal answer. That is the answer.

Mr. S. Satyamurti : With regard to clause (c), may I know, if, apart from the reply to the consultation, they made any further representations to Government ?

The Honourable Sir Nripendra Sircar : I believe that is part of the confidential correspondence, and I regret I cannot disclose it.

Mr. S. Satyamurti : Are Government aware that Mr Monckton is reported to have made some promises to the States Ministers' Conference at Bombay last week, and are Government aware if he is given any authority by the Secretary of State for India to negotiate directly or indirectly on behalf of His Majesty's Government ?

The Honourable Sir Nripendra Sircar : I am not aware of any such thing.

DISCRIMINATION AGAINST INDIANS BY THE KENYA GOVERNMENT.

230. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the telegram from the *Free Press of India*, dated the 25th May, 1935, regarding Kenya Government discriminating against Indians ;
- (b) if the facts stated therein are true ; and
- (c) if so, whether Government propose to take any steps to protect legitimate Indian interests ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) Not to the knowledge of the Government of India.

(c) Does not arise.

Mr. S. Satyamurti : Did Government make any inquiry after the receipt of this question ?

Sir Girja Shankar Bajpai : Government perused with great care the cutting which my Honourable friend sent, and it is so completely full of misstatements that it really was not worth while making any inquiries. For instance, I will just read out a bit :

“ It is understood that the whole series of cotton markets established over cotton producing areas where cotton passes, etc.”

Practically no cotton is produced in Kenya. The gentleman must have been thinking of Uganda.

ENQUIRY INTO THE PRODUCTION AND TRADE OF RICE IN THE MADRAS PRESIDENCY.

231 ***Mr S Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the Report of Mr. C. R. Srinivasan, Special Officer, appointed by the Madras Government, to enquire into the production and trade of rice in the Presidency, especially the recommendation in favour of a reduction of railway freight for transporting rice and paddy from producing centres to different consuming centres in the province ; and

(b) whether they propose to take any steps in the matter, and if not, why not ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) As regards (i) of the recommendations summarised at the end of the report, the Honourable Member's attention is invited to the provisions of the Indian Tariff (Amendment) Act, 1935. It is understood that the Government of Madras have been in touch with Railway administrations concerned, as a result of which freights in certain cases have been reduced. The rest of the recommendations concern the Local Government exclusively.

Mr. S. Satyamurti : May I know, in somewhat more detail, in how many cases approximately and for what distances this freight for transporting rice and paddy from producing centres to consuming centres has been reduced ?

Sir Girja Shankar Bajpai : All that I know at the moment is that the actual reductions have reached as much as 16 per cent. in certain cases ; but, if my Honourable friend wants details of the kind he mentioned just now, I shall endeavour to obtain them and place them at his disposal.

Prof. N. G. Ranga : Is the Honourable Member aware of the fact that, in as many as 12 districts of the Madras Presidency and in the Andhra districts, no steps till now have been taken by the railway authorities to reduce the railway freights for the transport of paddy and rice ?

Sir Girja Shankar Bajpai : I am prepared to examine the information which my Honourable friend has furnished.

Prof. N. G. Ranga : Have Government received any communication from the Andhra Chamber of Commerce with a request that these freights should be reduced as far as these articles are concerned in the Andhra districts ?

Sir Girja Shankar Bajpai : I could not really answer that question, because it concerns the Railway Board : I can say that I made inquiries from my Honourable friend, Mr. Rau, and he does not remember to have seen any such representation.

Prof. N. G. Ranga : Have the Government of Madras sent any communication to the Government of India ?

Sir Girja Shankar Bajpai : No, the Government of Madras have sent no communication to the Government of India.

APPLICATION OF A SYSTEM OF CONTROL OVER IMPORTS BY THE JAPANESE TRADE COUNCIL.

232. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the action of the Japanese Trade Council, who have decided to apply a system of control over imports, and to introduce safeguarding measures against countries which impose severe restrictions on Japanese imports ;

(b) whether they have considered the effect of this on India's trade with Japan ; and

(c) what steps, if any, Government propose to take in the matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b) and (c). Trade relations between India and Japan are governed by the Indo-Japanese Trade Convention and Protocol, and the Government of India have no reason to believe that the Government of Japan have any intention of discriminating against Indian imports to Japan in contravention of the existing agreement between the two countries

Mr. S. Satyamurti : Has there been any correspondence between this Government and the Government of Japan in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : No no occasion has arisen for any correspondence so far.

Mr. S. Satyamurti : Have Government made any inquiries after the receipt of this question ?

The Honourable Sir Muhammad Zafrullah Khan : There was no need to make any inquiries, because, as I have said, no portion of this agreement has been contravened.

Mr. S. Satyamurti : When is this trade convention due for revision next ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say whether it is due for revision or not, but it continues in force till the spring of 1937.

Prof. N. G. Ranga : Is there any Indian Trade Commissioner in Japan ?

The Honourable Sir Muhammad Zafrullah Khan : No.

Prof. N. G. Ranga : If there is no Trade Commissioner there, how and through what channel do the Government of India try to ascertain the policies and intentions of the Government of Japan ?

The Honourable Sir Muhammad Zafrullah Khan : I have said nothing with regard to the intentions of the Government of Japan except this, that we have not found there are any reasons to consider that they will in any way try to contravene the agreement already arrived at between us : but there are several channels, apart from trade commissioners—publications, declarations, statements of policy, correspondence, and so on.

Prof. N. G. Ranga : Is there any agent at all of the Government of India in Japan who can try and ascertain the facts there.

The Honourable Sir Muhammad Zafrullah Khan : There is no trade agent in Japan.

Prof. N. G. Ranga : Do Government propose to appoint one now ?

The Honourable Sir Muhammad Zafrullah Khan : That matter is being considered.

RESTRICTION OF INDIAN IMPORTS INTO ROUMANIA, ITALY AND GERMANY.

233. ***Mr. S. Satyamurti :** Will Government be pleased to state .

- (a) whether they have taken any steps with regard to the restriction of Indian imports into Roumania, Italy and Germany ;
- (b) whether they have investigated the matter ; and
- (c) what their conclusions in the matter are ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member is referred to the replies given by me to Mr. T. S. Avinashilingam Chettiar's starred question No. 5 on the 2nd September, 1935, and the supplementaries thereto and to parts (b) and (c) of his own starred question No. 209.

Mr. S. Satyamurti : I am asking only with regard to Germany : what is the position with regard to the trade of this country with Germany ?

The Honourable Sir Muhammad Zafrullah Khan : What is exactly meant by " position " ? In reply to supplementaries, I explained the position : but if the Honourable Member will explain what he means by " position ", I will be able to tell him.

Mr. S. Satyamurti : Is there any restriction on Indian imports into Germany ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, as part of the general restrictions imposed by Germany with regard to imports from all countries.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair thinks the matter was explained the other day.

Mr. S. Satyamurti : Have Government made any representations to the Government of Germany, with regard to these restrictions on imports from India into that country ?

The Honourable Sir Muhammad Zafrullah Khan : Not yet

Mr. S. Satyamurti : Why not ?

The Honourable Sir Muhammad Zafrullah Khan : Government have the matter under consideration . they are getting all the information relevant to this question and are considering what action is necessary.

RESULTS OF THE OTTAWA TRADE AGREEMENT.

234 ***Mr S. Satyamurti :** Will Government be pleased to state :

- (a) whether the examination of the results of the Ottawa Pact are complete ;
- (b) when they will be placed before this House ; and
- (c) whether this House will be given an early opportunity to consider the matter and give its opinion on it ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, up to the end of the Fiscal Year 1934-35.

(b) The Report for that year will be laid on the table of the House at an early date

(c) The House will be afforded an opportunity of discussing the results of the Ottawa Trade Agreement in the next Budget Session.

INCONVENIENCE CAUSED TO INDIAN PASSENGERS ON ACCOUNT OF EUROPEAN SOLDIERS TRAVELLING IN ORDINARY SECOND CLASS COMPARTMENTS.

235. ***Mr. S. Satyamurti :** Will Government be pleased to state .

- (a) whether their attention has been drawn to the fact that great inconvenience is caused to the Indian passengers on account of European soldiers travelling in ordinary second class compartments ;
- (b) whether Government propose to make other arrangements and thereby minimise the inconvenience caused to Indian passengers ; and
- (c) whether arrangements will be made to transport soldiers in separate compartments reserved for them ?

Mr. P. R. Rau : (a) Occasional complaints have been received.

(b) Government have no reason to think that a reference to the railway staff in the case of a genuine complaint will not set matters right.

(c) No. The arrangement suggested would result in a waste of accommodation.

Mr. S. Satyamurti : May I know whether the Honourable Member's attention has been drawn to recent occurrences—I need not give the details—and will Government consider the desirability, in the interests of

Indian passengers, of reserving carriages for these European soldiers and charging the Army Department for the entire cost of transporting them ?

The Honourable Sir Muhammad Zafrullah Khan : The position is that if there is a small number of British soldiers travelling, it would, as has been explained in the answer, amount to waste of accommodation to reserve compartments for them, when there is not a full complement of passengers to occupy these compartments, let alone the reservation of carriages for a small number of British soldiers.

Mr S. Satyamurti : May I know whether the Honourable the Commerce Member has considered, in the light of recent events, the great inconvenience and discomfort likely to be caused to Indian passengers by these European soldiers, especially when they are travelling without any superior in command ?

The Honourable Sir James Grigg : What is the insinuation ?

Mr. S. Satyamurti : The insinuation is that they behave like brutes.

The Honourable Sir Muhammad Zafrullah Khan : I cannot understand the inconvenience likely to be caused : as the Financial Commissioner has explained in reply to the question, occasional complaints have been received, and Government has no reason to think that a reference to the station authorities would not set matters right.

Mr. S. Satyamurti : Are Government aware that in Bareilly Station, when British soldiers left their baggage there and the clerks asked them for money, they were assaulted by these soldiers ?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware of that.

Mr. S. Satyamurti : Of course, you are not.

Prof. N. G. Ranga : Are Government aware of the fact that third class passengers also experience great inconvenience because of these sepoys and soldiers travelling third class in their compartments ?

The Honourable Sir Muhammad Zafrullah Khan : No : I am not aware what kind of inconvenience is being referred to

INDIANISATION OF THE GOVERNMENT OF INDIA SECRETARIAT.

Mr. S. Satyamurti : I now put my supplementaries on question No 207. May I ask the Honourable the Home Member what is the reason for this slow progress in the Indianisation of the Secretariat in the Government of India ?

The Honourable Sir Henry Craik : I do not think the progress is particularly slow.

Mr. S. Satyamurti : Why is it slow, particularly or otherwise, in view of the fact that in the Preamble, to which my attention has been drawn, which stands unrepealed, the increasing association of Indians was declared in 1919,—16 years ago now ?

The Honourable Sir Henry Craik : The association is steadily increasing.

Mr S. Satyamurti : May I know whether there are any Departments in which there is discrimination against Indians—say, the Home and Finance Departments ?

The Honourable Sir Henry Craik : No : there is no discrimination against Indians in either Department.

The Honourable Sir James Grigg : The Honourable Member from Madras has reason to know that that is not true.

Mr. S. Satyamurti : I shall not discuss that on the floor of the House . I choose to respect confidences . the Honourable the Finance Member does not. Therefore, I will not pursue that matter. But I will ask the Honourable the Home Member whether Government are on the whole satisfied with the results of these Indians being recruited to the Secretariat ?

The Honourable Sir Henry Craik : My own experience is comparatively limited : but I do know this, that at least on one occasion since I assumed office I have tried to get an Indian, but no Local Government was in a position to spare the services of a suitable Indian

ALLEGED IMPERSONATION AND MALPRACTICES EMPLOYED IN ELECTIONS TO THE
LEGISLATURES AND LOCAL BODIES.

236 ***Mr. Lalchand Navalrai :** (a) Has the attention of Government been drawn to a number of articles appearing in the *Sind Observer*, dated the 14th May, 1935, referring to impersonation and other glaring malpractices employed in elections to the legislatures and local bodies ?

(b) What steps do Government propose to take by way of amendment of law and rules in connection therewith for better preparation of the electoral rules and checkmating impersonations ?

(c) Do Government propose to amend the law, making offences of impersonations cognizable and triable summarily ?

The Honourable Sir Henry Craik : (a) The Government of India have perused the articles referred to.

(b) and (c). The Government of India are in consultation with Local Governments as to whether a more effective procedure is desirable to check impersonation at elections

Mr. Lalchand Navalrai : May I know if the Honourable Member knows that the Karachi Municipality have started a system by which identification marks of voters are taken down and that prevents impersonation : will the Honourable Member consider that system ?

The Honourable Sir Henry Craik : I was not aware of that : I dare say, it is a very good idea

Prof. N. G. Ranga : Is the Honourable Member aware of the fact that this evil of impersonation and sometimes glaring impersonation is widely prevalent in the Madras Presidency also ?

The Honourable Sir Henry Craik : I believe it prevails in all provinces.

Prof. N. G. Ranga : Will Government try to take steps to see that rules are suitably amended to prevent this all over India ?

The Honourable Sir Henry Craik : I have already said that we are in consultation with Local Governments to consider whether more effective procedure can be devised.

Mr. Lalchand Navalrai : The Honourable Member may have no idea as to what the Karachi Municipality has done ; but I am giving the idea to the Honourable Member : will he kindly look into it when some improvement is going to be made ?

The Honourable Sir Henry Craik : Yes : if the Honourable Member will give me the facts, I will certainly look into it.

AMENDMENT OF THE INDIAN MEDICAL COUNCIL ACT.

237. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if they have received a copy of the resolution passed by the 27th Annual Conference of the All-India Medical Licentiates Association, urging upon Government to amend the Indian Medical Council Act so as to include the Indian Medical Licentiates within the scope of the Act ?

(b) If so, what steps do Government propose to take in the matter ?

(c) Have Government reconsidered the desirability of amending the Act to the aforesaid scope, since the passing of the Act ? If so, in what way and with what result ?

(d) Were any reports called for on the subject while considering the question after the passing of the Act ? If so, will Government be pleased to place those papers on the table ?

Sir Girja Shankar Bajpai : (a) Yes.

(b), (c) and (d). I would invite the Honourable Member's attention to the discussions that took place in this House in February and September, 1933, on the Indian Medical Council Bill, now the Indian Medical Council Act. Government's position in regard to licentiates was fully explained then. No reports were called for from Local Governments nor have any been submitted by them since the Act was passed. In the opinion of the Government of India no extension of its scope in the manner suggested by the Honourable Member is called for.

Mr. Lalchand Navalrai : Is it not a fact, Sir, that in those discussions it was given out that the reports would be sent for and the question whether the scope would be extended to the licentiates also would be considered hereafter ? Have Government considered it ?

Sir Girja Shankar Bajpai : Sir, I made it perfectly clear, then, because I made the statement on behalf of the Government on that occasion, that, as a result of pressure brought upon Government by the House, we had consulted the Local Governments, and they were not in favour either of the preliminary inquiry or of any additional inquiry of the nature suggested by the Honourable Member.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether, now that the Act is in operation, Government will inquire from the medical licentiates and other bodies and also from the Local Governments to reconsider that question ?

Sir Girja Shankar Bajpai : Sir, the operation of the Act by its very terms being limited to medical graduates has no effect upon medical licentiates.

FEES DEMANDED BY THE CIVIL SURGEON, NEW DELHI, DURING HOSPITAL HOURS.

238. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if the Civil Surgeon in charge of New Delhi Municipal Hospital (Willingdon Hospital) is entitled to charge fees for examination of patients in the hospital during the hospital working hours? If so, how much and under what rule or order of the Municipality or of Government?

(b) Is it a fact that in other hospitals in India, the medical officers are permitted to charge a particular fee for examination only when they examine private patients in their private quarters during their leisure hours?

(c) Is it a fact that the Civil Surgeon at the New Delhi Hospital charges out-patients, who are not first class Government officers, for examination only in the hospital during hospital hours? If so, how much and under whose orders?

(d) Are Government aware that, in the event the Civil Surgeon, whose services are loaned by the Government to the Municipal Hospital at New Delhi, does make a charge on all non-first class Government officers and private residents of New Delhi for mere consultation in the hospital during consultation hours, it becomes impossible for such of those that cannot afford to pay the fee demanded by the Civil Surgeon to obtain expert advice?

(e) Are Government aware that in Great Britain, where most of the hospitals are maintained out of voluntary contributions, any person is permitted to obtain expert advice even from Honorary Physicians and Surgeons during their consulting hours in the hospital on the payment, if not entirely free, of a very small fee to the hospital and not to the physicians and surgeons? If so, how is the Civil Surgeon, New Delhi, justified in demanding fees for consultation during hospital hours from out-patients?

(f) Do Government propose to find out how long and in how many cases the Civil Surgeon at the Municipal Hospital in New Delhi has received fees from out-patients for examining them during hospital hours, and do Government propose to make him refund the amounts so received to the particular patients? If not, why not?

Sir Girja Shankar Bajpai : (a) (c), (d) and (f). The Honourable Member's question presumably refers to the practice in respect of out-patients. The position in New Delhi in regard to such patients is that, unless they are officials entitled to the services of the Civil Surgeon, they have to see the senior Assistant Surgeon who is in charge of the out-patients' department. The Assistant Surgeon may consult the Civil Surgeon when necessary. If a non-official, who is not entitled to the Civil Surgeon's services and who is in a position to pay a fee, insists on seeing the Civil Surgeon, he may be seen in the hospital and charged a fee not exceeding Rs. 16. Officials entitled to medical attendance by an officer

below the rank of Civil Surgeon have the right of access to the Civil Surgeon, when necessary or when difficulty arises, and no fee is demanded or expected. In the circumstances Government do not consider it necessary to make the enquiry suggested by the Honourable Member in part (f) of his question.

(b) There is no uniform practice in this matter.

(e) The position in Great Britain is not as suggested by the Honourable Member. In most hospitals an out-patient is examined by the hospital almoner as to his financial position before being admitted to the consulting room. When admitted, he has no choice of consultant but has to appear before the doctor or his assistant who may be on duty on that day.

Mr. N. M. Joshi : May I know, Sir, on what grounds a first class officer has the right of consulting the Civil Surgeon even for a slight illness, while a subordinate officer has not got the same right ? What is the reason for this kind of discrimination ?

Sir Girja Shankar Bajpai : I don't think my Honourable friend has quite appreciated the position. A subordinate official of the Government for a minor ailment is entitled to the services of an Assistant or Sub-Assistant Surgeon, as the case may be, but if either the Sub-Assistant Surgeon or the Assistant Surgeon feels that the character of the disease is such that the Civil Surgeon should be consulted, the Civil Surgeon is consulted and renders his service free of charge.

Mr. N. M. Joshi : May I ask, Sir, whether it will not serve the purpose of economy if a first class officer goes to a subordinate medical officer for consulting about a minor ailment ?

Sir Girja Shankar Bajpai : I don't think that will be so, because, after all, if economy is the main objective, probably my friend will suggest that there should be a first class Civil Surgeon to do all the work, but inasmuch as there are only 24 hours in a day, I doubt very much whether that first class Surgeon could do it.

Mr. N. M. Joshi : May I know whether the Government of India will consider if it will not be proper to offer the services of the Civil Surgeon according to the nature of the malady, instead of according to the class of the officer ?

Sir Girja Shankar Bajpai : Inasmuch as the existing arrangement seems to meet all reasonable requirements, Government don't think it is necessary to consider a modification.

Mr. Lalchand Navalrai : May I know if a non-official pays the fees and the Civil Surgeon examines him, will he examine him during hospital hours or after the hospital hours ?

Sir Girja Shankar Bajpai : Ordinarily, private practice is done outside hospital hours, but if there is a special case when a non-official goes to the hospital and seeks the assistance of the Civil Surgeon and it is held that he is in a position to pay the fee, in that case he is examined during hospital hours.

Mr. Lalchand Navalrai : To whom is the fee paid then ? Is it to the Civil Surgeon himself or to the Municipality or the Government ?

Sir Girja Shankar Bajpai : To the Civil Surgeon in the case of the New Delhi Municipality.

Mr. Lalchand Navalrai : Does the Honourable Member know that, in other Government hospitals, Civil Surgeons, during hospital hours, examine patients without fees ? Will the Honourable Member advise the New Delhi Municipality or the Civil Surgeon there to conform to that practice which is followed in other provinces ?

Sir Girja Shankar Bajpai : I have already answered part (b) of my Honourable friend's question, and I have said that there is no uniform practice in this matter.

Mr. T. S. Avinashilingam Chettiar : Sir, may I, with your permission, ask this question, because Mr. Mathuradas Vissanji is not here ?

Mr. President (The Honourable Sir Abdur Rahim) : Has the Honourable Member got any authority from him ?

Mr. T. S. Avinashilingam Chettiar : No, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : Then he cannot ask that question

PROTECTION TO THE COCOANUT INDUSTRY IN INDIA.

239 ***Mr. Mathuradas Vissanji :** Will Government be pleased to state :

- (a) whether they have received the recommendations of the Sub Committee appointed by the Imperial Council of Agricultural Research on Dr. Patel's Report on the cocoanut industry in India and, if so, when ;
- (b) what action Government have taken on the recommendations of the Sub-Committee ; and
- (c) whether Government propose to take immediate action to afford protection to the cocoanut industry in India ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, in February, 1935.

(b) and (c). The recommendations of the sub-committee are still under the consideration of the Government of India.

REFUSAL OF PERMISSION TO MR. MOHAN LAL SAKSENA TO VISIT THE CELLULAR JAIL AT PORT BLAIR.

240 ***Mr Sri Prakasa :** (a) Is it a fact that Mr. Mohan Lal Saksena had applied for permission to visit the Cellular Jail at Port Blair and that Government refused to give the required permission ?

(b) Is it also a fact that he had offered to go there at his own expense ? If so, will Government be pleased to state the reasons why the permission was refused ?

(c) Is it a fact that the Honourable Diwan Bahadur G. Narayana-swami Chetti, C.I.E., recently paid a visit to the Andamans ? If so, will Government be pleased to state whether he was granted permission after Mr. Mohan Lal Saksena's application ?

(d) Will Government be pleased to lay on the table a copy of the correspondence that passed between the Honourable Diwan Bahadur G. Narayanaswami Chetti, C.I.E., and Government in this connection ?

The Honourable Sir Henry Craik : (a) Yes.

(b) Yes. I would refer the Honourable Member to my letter to Mr. Saksena of 27th April, 1935, a copy of which has been placed on the table of the House.

(c) Yes. The Honourable Diwan Bahadur G. Narayanaswami Chetti was granted permission long before Mr. Saksena's application.

(d) A copy of the correspondence with the Honourable Diwan Bahadur G. N. Chetti on the subject of his visit to the Andamans is placed on the table of the House.

Copy of a letter No. F. 60/35-Jails, dated 27th April, 1935, from the Government of India, Home Department, to Shri Mohan Lal Saksena, M.L.A., Advocate, Aminud-daulah Park, Lucknow.

In your letter of April 17th you asked to be informed of the reasons which led the Government of India to refuse your request for permission to go to Port Blair. The reasons are as follows :

In your original request you stated that you had received a number of complaints regarding the treatment of prisoners in Port Blair. In reply to an enquiry from me you refused in your letter of March 29th to reveal what these complaints were and admitted that you had no evidence in support of them. The investigation of complaints in regard to the treatment of prisoners is essentially a matter for Government to take up themselves and the Government of India are always prepared to undertake such investigation when specific complaints are brought to their notice. But to allow a non-official to visit the Settlement with the express object of enquiring into complaints, especially when they are unspecified and admittedly *ex parte*, would in the opinion of Government encourage the presentation of such complaints by prisoners and would thus be highly prejudicial to jail discipline. Government cannot, therefore, agree to give facilities to any individual for such a purpose.

Copy of a demi-official letter No. 1316/33-Jails, dated the 30th October, 1933, from the Government of India, Home Department, to the Honourable Dewan Bahadur G. N. Chetti, Member of the Council of State, 9, Windsor Place, New Delhi.

You approached the Honourable the Home Member in Simla with a request that you might be allowed to visit the Andamans, in a private capacity and at your own expense, about Christmas time, so that you might have an opportunity of visiting the Cellular Jail. Mr. J. W. Smyth, the Chief Commissioner of the Andamans, is at present in Delhi and is staying with the Honourable the Home Member at No. 2, King Edward Road. He will be leaving Delhi on Thursday evening. The Honourable the Home Member has asked me to write to you and say that Mr. Smyth will be very glad to see you before he leaves Delhi and discuss with you your desire to visit the Andamans. If you would like to meet Mr. Smyth, perhaps you will write to him direct at No. 2, King Edward Road, and let him know when it would be convenient for you to call upon him.

Copy of a demi-official letter No. D-1451/33-Jails, dated the 20th November, 1933, from the Government of India, Home Department, to the Honourable Dewan Bahadur G. N. Chetti, Member of the Council of State, 9, Windsor Place, New Delhi.

In continuation of my demi-official letter No. 1316/33-Jails, dated the 30th October, I write to inform you that the Government of India have no objection to your visiting the Andamans in a private capacity. The Chief Commissioner has sug-

gested that you should sail by the S. S. " Maharaja " on one or other of the two following trips :

1. Leave Calcutta ..	..	..	..	December 10
Arrive Port Blair ..	..	..	..	December 13
Leave Port Blair ..	..	..	..	December 20
Arrive Calcutta ..	..	..	..	December 24
2. Leave Calcutta ..	..	..	..	December 31
Arrive Port Blair ..	..	..	..	January 3
Leave Port Blair ..	..	..	..	January 10
Arrive Madras ..	..	..	..	January 14

2. The Agents of the S. S. " Maharaja " are Messrs. Turner, Morrison and Company, Calcutta, and, after you have decided the dates most suitable to you, you should write to them direct about accommodation. I am sending a copy of this letter to them so that there may be no difficulty in regard to accommodation.

Mr. Sri Prakasa : Why was a discrimination made between the two gentlemen in the matter of granting permission to visit the Andamans ?

The Honourable Sir Henry Craik : I would refer the Honourable Member to the correspondence I am laying on the table.

Mr. Sri Prakasa : Sir, I want a definite answer at once, because I want to base my supplementary questions on it. It will take some time for me to get the answer from the table of the House. Cannot the Honourable Member read out that correspondence ?

Mr. President (The Honourable Sir Abdur Rahim) . If the answer is to be found in the correspondence, the Chair thinks the Honourable Member can read the correspondence and afterwards put his supplementary questions. If the Honourable Member reads that correspondence, it is possible that supplementary questions may not be found necessary.

Mr. Sri Prakasa : That is impossible, Sir.

Mr. Ananthasayanam Ayyangar : May I know from the Honourable Member if a single reform has been effected within the prison walls on the advice given by Diwan Bahadur Narayanaswami Chettiar till now ?

Prof. N. G. Ranga : Not even butter milk is supplied to prisoners in Madras.

Mr. President (The Honourable Sir Abdur Rahim) The Honourable Member cannot carry on a conversation like that

Mr. M. Ananthasayanam Ayyangar : Yesterday it was stated that, on account of the special experience of the working of the Jail Administration, Diwan Bahadur Narayanaswami Chettiar possessed a special advantage, and, therefore, he was given a passport to proceed to the Andamans. I am now asking the Honourable Member to state if, in all his experience, even a single reform has been effected as a result of the advice tendered by Diwan Bahadur Narayanaswami Chettiar ? Is there a single reform to the credit of Diwan Bahadur Narayanaswami Chettiar ?

The Honourable Sir Henry Craik : I think the gentleman in question has effected a great deal of reform in jail administration.

Mr. M. Ananthasayanam Ayyangar : May I know if even a single reform has been effected in all the millions of jails in this country as a result of the advice given by Diwan Bahadur Narayanaswami Chettiar ?

The Honourable Sir Henry Craik : I do not think that arises out of this question. I happen to know that the gentleman in question has done a great deal especially in regard to helping released prisoners.

Mr. M. Ananthasayanam Ayyangar : That is outside the jails. My question relates to reforms effected, if any, inside the jails. Released prisoners are no longer in jails. I want to know what additional comforts or any other improvements in the amenities of life of the prisoners inside the jails have been made as a result of the advice tendered by Diwan Bahadur Narayanaswami Chettiar ?

The Honourable Sir Henry Craik : That does not arise out of the answer I have given. If the Honourable Member wishes to have this information, he should put down a question on paper.

Mr. M. Ananthasayanam Ayyangar : On what grounds was that gentleman chosen to go to the Andamans in preference to my Honourable friend, Mr. Mohan Lal Saksena, who is a Member of this House ?

Prof. N. G. Ranga : He is a well-known loyalist !

Mr. Sri Prakasa : I want to ask you, Sir, for the sake of information, whether, if I feel that any supplementary questions should be asked after reading the papers, I could put them tomorrow, or shall I have to wait and take my chance later ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member may ask any supplementary questions that may arise out of the correspondence, tomorrow

TRAIN SERVICE BETWEEN GUDUR AND KATPADI AND DHARMAVARAM ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

241. ***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that the train service between Gudur and Katpadi and Dharmavaram on the Madras and Southern Mahratta Railway, is very slow, and consequently bus service is flourishing and making good income to the detriment of the Railway income ?

(b) Are Government also aware that the third class carriages in use are all rickety, having doors opening outside and having no proper bolts and hinges ?

(c) Are Government aware that the lavatories in the third class carriages are not provided with water, are not cleaned properly, are too small for free ingress and egress, and are highly insanitary ?

(d) Are Government prepared to take immediate steps to remedy these defects ?

Mr. P. R. Rau : (a) There are heavy gradients on each of the sections referred to, and all trains have to stop at every station. Owing to the light section rails in the track a more powerful engine is not available for use on these sections. Under these circumstances the speed of trains is restricted.

(b) No All trains running on those sections are composed of bogie stock.

(c) No. Tanks of lavatories of third class carriages running on those sections are filled with water and the lavatories cleaned at six stations.

(d) Government are forwarding a copy of the question and the answer to the Agent, Madras and Southern Mahratta Railway, to see whether any steps can be taken to accelerate the service

Prof. N G. Ranga : Are Government aware of the fact that latrines in these trains are in an abominable condition ?

Mr. P. R. Rau : No, Sir. I understand that they are cleaned at six stations out of eighteen.

CONSTRUCTION OF A RAILWAY LINE BETWEEN TIRUPATI AND MADRAS.

242 ***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware of a resolution passed by the Bar Association, Tirupati, that the Tirupati Railway Station should be connected by metre gauge to Madras ?

(b) Has not the line been surveyed and lands acquired for laying the railway at an enormous cost ?

(c) Are Government prepared to take up the construction of the railway at an early date ?

Mr. P. R. Rau : (a) No

(b) No land has been acquired. As I informed my Honourable friend in February last, the total cost of the survey is about Rs. 76,000.

(c) The project is one of those being reconsidered at the present moment.

PROPOSAL TO CONSTRUCT A FUNICULAR RAILWAY FROM TIRUPATI TO TIRUMALAI HILLS IN THE MADRAS PRESIDENCY.

243. ***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware of a proposal to construct a funicular railway from Tirupati to Tirumalai Hills *via* Chandragiri in the Madras Presidency ?

(b) Are Government aware that there is a lot of public opinion against it on the ground that the sanctity of the Tirumalai Hill would be destroyed and that town of Tirupati would sink into insignificance ?

(c) Are Government prepared to take steps to prevent the construction of such a railway ?

Mr. P. R. Rau : (a) Yes

(b) and (c) No. The proposal is one primarily for decision by the Government of Madras

PROTECTION OF INDIANS FROM AIR RAIDS.

244. ***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that all countries in Europe and in the East are taking steps to protect the civil population from air raids, in case of an air attack, by giving them mask drills ?

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(b) What steps, if any, are Government taking in this direction to protect the people of India ?

(c) Do Government propose taking any steps to improve their defence in case of a possible outbreak of war in Europe or in the East ?

Mr. G. R. F. Tottenham : (a) Government understand that the Governments of several countries have been studying the matter, but they have no precise information as to the extent to which they have been training their populations by means of gas mask drills.

(b) and (c) The possibility of air raids on India is remote at present, and no active measures to train the civil population in methods of protection are considered necessary. The Honourable Member may rest assured that the Government will take such steps as may be necessary, if the need arises.

Prof. N. G. Ranga : Is there any possibility of the Government of India thinking of throwing bombs on the civilian population outside the frontier ? They are already doing this on the frontier now.

Mr. G. R. F. Tottenham : I could not hear the Honourable Member's question. If he could speak a little slower and a little louder, I might be able to hear him.

Prof. N. G. Ranga : Is there any possibility of the Government of India thinking of throwing bombs on the civilian population on this side of the frontier ?

Mr. President (The Honourable Sir Abdur Rahim) : That does not arise. Next question.

REFUSAL OF PERMISSION TO CERTAIN PERSONS TO ENTER QUETTA FOR AFFORDING RELIEF TO THE EARTHQUAKE SUFFERERS.

245. ***Mr M. Ananthasayanam Ayyangar :** (a) Why have Government refused permission to the Indian National Congress Secretaries and to Mahatma Gandhi to enter Quetta for affording relief to the earthquake sufferers ?

(b) Is it not a fact that the Congress leaders rendered invaluable services to Bihar by giving relief to the earthquake sufferers ?

(c) What steps have Government taken to see that no thefts are committed of the properties of the earthquake sufferers at Quetta ?

(d) What is the total value of the property recovered from out of the debris at Quetta, and how much of this was restored to the owners ?

Mr. J. G. Acheson : (a) I would refer the Honourable Member to the answer given by the Honourable Sir Henry Craik to part (c) of Mr. Satyamurti's starred question No 219

(b) Yes, Sir, Government are aware of the services rendered by the Congress to the sufferers in the Bihar earthquake.

(c) The Honourable Member's attention is invited to Chapters IV and VI of the pamphlet " The Quetta Earthquake, 1935 ", copies of which have been sent to all the Members of this House.

(d) It is not possible to estimate the total value of the property recovered from under the debris before the city was sealed, as the

property excavated was handed direct to the owners and no record was kept. Since the preliminary salvage has started within the sealed area, property valued at over rupees four lakhs has been handed over to the owners.

Mr. M. Ananthasayanam Ayyangar : What is the value of the articles still in the possession of Government which have to be surrendered to the owners ?

Mr. J. G. Acheson : I am afraid I cannot answer that question without notice.

Pandit Krishna Kant Malaviya : Is it a fact that one Mr. Hogg of the Boy Scouts was allowed to proceed to Quetta ?

Mr. J. G. Acheson : I do not think that arises out of this question.

PREVENTION OF THE EXPORT OF SILVER AND A RISE IN ITS PRICE.

246. ***Mr. M. Ananthasayanam Ayyangar :** What steps do Government propose to take to prevent the export of silver and to prevent a rise in the price thereof ?

The Honourable Sir James Grigg : I would invite the attention of the Honourable Member to the reply given by me to Mr. Satyamurti's starred question No. 223 during the current Session

Mr. M. Ananthasayanam Ayyangar : No, Sir. When I asked that question, my Honourable friend said there was a question on the paper later which he would answer, and now he is asking me to go back to the answer which he gave to the first question.

The Honourable Sir James Grigg : The Honourable Member was referring to another question of his which appears later on, but if he wants me to answer the question before it has been reached, I will tell him here and now, that I do not propose to make any statement of any kind of the subject of silver while the bullion market is in its present jumpy state. I do not desire to give the speculators any kind of lead in any direction.

Mr. M. Ananthasayanam Ayyangar : The Honourable Member.....

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable the Finance Member has said that he is not going to make any statement on the subject of silver.

Mr. M. Ananthasayanam Ayyangar : There is a question out of the vague answer that my Honourable friend has given. The Honourable Member who puts this question is not a speculator himself, I may assure him. I want the Honourable Member to state what steps have been taken till now to lower the price of silver, let alone the steps that have to be taken in the future ? What steps have been taken till now to lower the price of silver ?

The Honourable Sir James Grigg : The price of silver has been regulated by market conditions.

Mr. M. Ananthasayanam Ayyangar : Has a very large quantity of silver been sold by the Government of India to reduce the price of silver ?

The Honourable Sir James Grigg : That is a question which I do not propose to answer.

Mr. M. Ananthasayanam Ayyangar : I am asking with regard to the sale that has already taken place, and not to the sale that may take place hereafter. Have the Government of India already sold a large quantity of silver to bring down the price of silver ?

The Honourable Sir James Grigg : Does the Honourable Member mean before the present speculative rise in silver took place ? Of course, they did. Information about that appears in the annual reports of the Controller of Currency

Mr. M. Ananthasayanam Ayyangar : May I know what quantities were sold ?

The Honourable Sir James Grigg : I cannot say off-hand. You will find it in the Controller's report.

Mr. M. Ananthasayanam Ayyangar : Was any quantity sold during the last three months ?

The Honourable Sir James Grigg : That is a question which I refuse to answer.

COMBINE FOR WORKING THE GOLD MINES IN THE NILGIRIS.

247. ***Mr. M. Ananthasayanam Ayyangar :** (a) Are Government aware that some Australian and London companies have entered into a combine for working the gold mines in the Nilgiris ?

(b) Have Government investigated the possibilities of opening up gold mines there ?

(c) Do Government propose to take steps to start a company locally or to nationalise that industry ?

The Honourable Mr. D. G. Mitchell : (a) The Government of Madras report that an unregistered company, called the Wynaad Gold Development Company, Limited, with English and Australian Directorate has obtained permission to prospect for gold in certain private *Janmam* lands in the Nilgiris.

(b) Certain investigations were made in 1879 and 1901-1902.

(c) No.

Mr. M. Ananthasayanam Ayyangar : Why not ?

The Honourable Mr. D. G. Mitchell : In all possibility it was not worth while.

Prof. N. G. Ranga : Have Government ascertained whether it would be worth while or not ?

The Honourable Mr. D. G. Mitchell : The grade of the ore in that part of Madras is so low that, even with the present high prices of gold, there is no likelihood of its development being a paying proposition

Mr. M. Ananthasayanam Ayyangar : Then, what is the explanation of this private company coming in when there is no prospect of getting any profit ?

The Honourable Mr. D. G. Mitchell : The Honourable Member must remember that hope which springs eternal in the human breast and which has resulted probably in more money being spent on hunting and prospecting for gold than has ever been derived from the mining of it.

Mr. M. Ananthasayanam Ayyangar : What are the results of the investigations of 1879 and the later year to which the Honourable Member referred ?

The Honourable Mr. D. G. Mitchell : Complete failure. One company in particular obtained no gold whatsoever.

Mr. M. Ananthasayanam Ayyangar : I suppose this information is available to the persons who are floating the present company ?

The Honourable Mr. D. G. Mitchell : I presume so.

Mr. M. Ananthasayanam Ayyangar : Then, why are they floating a company of that kind ?

Mr. President (The Honourable Sir Abdur Rahim) : Next question, No. 248

REFUSAL OF PERMISSION TO CERTAIN PERSONS TO ENTER QUETTA FOR AFFORDING RELIEF TO THE EARTHQUAKE SUFFERERS.

248. ***Sardar Sant Singh :** (a) Is it a fact that Mahatma Gandhi and Babu Rajendra Parshad, President of the Indian National Congress, applied to the authorities for permission to visit Quetta, after the earthquake ? If so, what was the correspondence which passed between the Government and the gentlemen concerned ? Will Government lay the full text of the correspondence on the table of this House ?

(b) What were the reasons which led Government to refuse permission to Mahatma Gandhi and the President of the Indian National Congress ?

The Honourable Sir Henry Craik : (a) Mr. Gandhi applied for such permission for himself and others. Babu Rajendra Prasad applied for such permission for relief parties. Government would have no objection to laying the correspondence on the table but have not the permission of the gentlemen concerned to do so.

(b) I would refer the Honourable Member to the reply I gave to parts (b) and (c) of Mr. Satyamurti's starred question No. 219.

EARTHQUAKE AT QUETTA IN 1931.

249. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state if there was an earthquake in Quetta in 1931 ? If so, how much loss of person and property did it cause ?

(b) What steps did Government take in Quetta to guard against such incidents happening thereafter ?

(c) Were any earthquake-proof buildings constructed at Quetta ? Were they private or public, and how far did they stand the recent dreadful earthquake at Quetta ?

Mr. J. G. Acheson : (a) The attention of the Honourable Member is invited to the answer given by the Honourable Mr. E. B. Howell on the 7th November, 1931, to parts (b) and (c) of his question No. 1245.

(b) All public buildings constructed since 1931 have been built to earthquake-proof design.

(c) They stood the recent earthquake very successfully. As far as is known no private houses were constructed on earthquake-proof lines.

Mr. Lalchand Navalrai : May I know from the Honourable Member if he can give me an idea of the reply given by Mr. Howell in reply to part (a) ?

Mr. J. G. Acheson : I have it here. It reads :

“ The Honourable Member is referred to the communiqué issued by the Honourable the Agent to the Governor General in Baluchistan, dated the 29th August, 1931 (which gave the particulars of the earthquake). ”

In all, 104 deaths have been reported in Kalat State territory and seven deaths in British Baluchistan. The Central Jail, Railway buildings and other Government property at Mach were seriously damaged. At Quetta and Ziarat a considerable number of Government buildings were slightly damaged. In the Bolan pass neighbourhood, numerous Government buildings and also the Railway and the road were seriously damaged, etc.”

The answer is rather long, but the portion I have read out gives sufficient indication of its nature.

Prof N. G. Ranga : Why is it that no condition was imposed upon the private owners to see that they should build their houses only as earthquake proof ?

Mr. J. G. Acheson : Not that I am aware of.

Prof. N. G. Ranga : Do the Government of India propose to impose any such condition for the construction of houses in future.

Mr J. G. Acheson : Such a proposal is under consideration

RECENT EARTHQUAKE AT QUETTA.

250 ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to make a full statement as to the happening of the recent earthquake at Quetta, and state at what time it took place, what immediate steps Government took, and what arrangements were made for immediate help and succour to the people on account of the earthquake ?

(b) At what time after the earthquake shock did Government, through the military and civil authorities, commence helping the people who were alive, and what help did they render to them ?

(c) When was the digging out of people from under the debris commenced and when was it stopped and why ?

(d) How many persons were dug out, dead or alive, during the above period ?

(e) Was any outside help called for the purpose of bringing out people ?

(f) Did Government do anything to immediately import into Quetta outside labour and volunteers in order to help the military and to do

more extensive work of digging out people during the period it was being done ? If not, why not ?

(g) Is it a fact that people and organizations from outside Sind and the Punjab volunteered to come to Quetta with any amount of labour, provisions and food-stuffs to do work in an organized, systematic and disciplined manner under the control of the military ? If so, did Government accept the offer ? If not, why not ?

(h) Are Government aware that the opinion of the people and the Press has been that had the authorities requisitioned adequate, organized and disciplined corps from outside and rushed them to Quetta within a day or two of the occurrence of the earthquake, not only thousands of lives would have been saved, but the possibility of the alleged stench and danger of epidemic would have disappeared ? Will Government be pleased to state full reasons for not so requisitioning ?

(i) Is it a fact that responsible persons from Shikarpur actually offered to go with volunteers, labour, provisions, and other necessities ?

(j) Is it a fact that they were permitted to do so and that they arranged for a special train and equipped it, but the order was countermanded and they could not carry out their wishes ? If so, why was the order changed ?

(k) Is it a fact that Government subsequently allowed four prominent citizens of Shikarpur, with attendants and provisions, to proceed to Quetta and also placed two wagons at their disposal for carrying supplies ?

(l) Is it a fact that the party left Shikarpur but on reaching Jacobabad, the Deputy Commissioner, who had received countermanding orders stopped them from proceeding to Quetta ? How do Government explain this action ?

Mr. G. R. F. Tottenham : (a) to (h). I think the Honourable Member will find these parts of his question answered in the pamphlet "The Quetta Earthquake, 1935".

(i) to (l). I lay on the table a statement based on information received from the local civil authorities which shows that the Honourable Member has been misinformed in some important respects.

Statement.

(i) and (j). A band of about 12 volunteers, with provisions and money, left Shikarpur on the evening of the 31st May and reached Quetta, where they remained for about two weeks.

On June 1st, Khan Bahadur Allahbakhsh, Mahomed Umar and the Hindu Panchayat, apparently after consulting the local authorities, collected a band of about 50 volunteers, with provisions, money and necessities, and wanted to send them by a special train. The local railway authorities were only prepared to attach an additional coach to the ordinary train ; but Khan Bahadur Allahbakhsh wired to the railway authorities at Karachi asking for a special train. In the meantime, orders were received from the military authorities at Quetta prohibiting movements to that place, and the railway authorities had, therefore to refuse the Khan Bahadur's request. It is thus not true to say that a special train had been arranged and equipped.

(k) and (l). The facts are as follows. On this occasion two wagons chartered by the persons mentioned above actually left Shikarpur, one attached to a goods train and the other to a passenger train. At Jacobabad a deputation of Shikarpuri, headed by Khan Bahadur Allahbakhsh and containing two prominent Shikarpuri doctors, called on the District Magistrate, Jacobabad, and asked to be allowed to proceed to Quetta for relief work. Permission was granted ; but subsequently the

District Magistrate received instructions from Quetta not to allow medical relief parties, as the amount of medical aid in Quetta was adequate. The District Magistrate met the party at the railway station and explained to them that he could not let them proceed to Quetta. They had already attached their goods wagon to the train, and although the District Magistrate requested them to allow the wagon to proceed, they insisted on detaching it, as they themselves were not allowed to go to Quetta. At a later date, under instructions from the Administrator, Shikarpur, this wagon was re-booked to Quetta for free distribution to sufferers as a gift from the Shikarpur Relief Committee.

There was an entirely separate party, consisting of three persons (not four as stated in the question), which travelled from Shikarpur by the same passenger train as Khan Bahadur Allahbakhsh and his party. This party, the members of which were Siwan Bahadur Murlidhar, Mr. Alibakhsh (not to be confused with Khan Bahadur Allahbakhsh) and Mr. Chainrai had received permission to proceed to Quetta and did so. They were also met by the District Magistrate at the railway station at Jacobabad. They had no wagon.

Mr. Lalchand Navalrai : May I know from the Honourable Member, with regard to (e), whether any outside help was called for the purpose of bringing out people alive ?

Mr. G. R. F. Tottenham : If the Honourable Member would read the pamphlet, he would find the information there. I cannot lay my hands on the exact page, but it is there

Mr. Lalchand Navalrai : Can the Honourable Member give any idea whether outside help was called or not.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should read the pamphlet

Mr. Lalchand Navalrai : I have read the pamphlet, and I do not find in it the answers to the questions I have put. May I know from the Honourable Member if any additional help was called in to help the military in order to bring out people alive ?

Mr. G. R. F. Tottenham : I would refer the Honourable Member to page 12 of the pamphlet.

Mr. Lalchand Navalrai : May I know then from the Honourable Member if Mr. Hogg and his scouts were allowed to come in ?

Mr. G. R. F. Tottenham : I would refer the Honourable Member to the bottom of page 12 of the pamphlet. It is all stated there.

Mr. Lalchand Navalrai : I find in the pamphlet that after the 3rd evening there was no possibility of finding people alive ? May I know how it was not possible to find people alive ?

Mr. G. R. F. Tottenham : That is not stated in the pamphlet

Mr. Lalchand Navalrai : Is it not a fact that on the 3rd evening, they stopped the excavations on the ground that further people will not be found alive ?

Mr. G. R. F. Tottenham : No, Sir.

Mr. Lalchand Navalrai : What was the reason then ?

Mr. G. R. F. Tottenham : If the Honourable Member will wait for the next question, I will explain the reason.

EXCAVATION WORK AT QUETTA AFTER THE EARTHQUAKE.

251. *Mr Lalchand Navalrai : (a) Will Government be pleased to state if any attempt was made at any time to resume the excavation work after it was stopped for the first time after the occurrence of the earthquake in Quetta ? If not, why not ? If so, when and for how long, and how many people were extricated from under the debris alive ?

(b) Is it a fact that the digging work with a hope of bringing out people alive was stopped owing to medical and sanitary reasons ? If so, who gave that opinion, what was it, and which was the highest authority which accepted that opinion ?

(c) Why were not suitable sanitary precautions, such as are usually taken when dead bodies are exhumed, taken or gas masks used for further excavating the buried people ?

Mr. G. R. F. Tottenham : (a) Regular excavation work in the city was suspended at night fall on the 3rd June, 1935. Street clearance was commenced early in July ; salvage of undamaged houses about the end of July ; and continuous excavation work early this month.

It is not possible to state accurately how many persons were extricated alive.

(b) Yes. The senior civil and military medical officers all agreed that to continue operations at that juncture would have involved the risk of a serious outbreak of disease. This opinion was accepted by the General Officer Commanding-in-Chief, Western Command, who at that time was in chief civil as well as military command. It was endorsed a few days later by the Public Health Commissioner with the Government of India when he visited Quetta.

(c) Regular excavation could not have been carried out even with the use of gas masks without grave danger of an outbreak of disease among the surviving population. By that time the chance of anybody's being alive in the debris was remote, while an epidemic among the survivors would certainly have caused the loss of numerous lives.

Mr. Lalchand Navalrai : May I know how it was considered that the chances of finding people alive were remote ?

Mr G. R. F. Tottenham : That was the experience of those who were working in the area at the time.

Mr Lalchand Navalrai : Did these people realise that when they stopped excavations, there were many people alive ?

Mr G. R. F. Tottenham : I should like to know what authority the Honourable Member has for that statement. People on the spot were satisfied that there was very little chance of finding anybody alive. During the last few hours of excavation work, I believe nobody was brought out alive.

Pandit Krishna Kant Malaviya : Even if one man could have been saved, he should not have been allowed to die.

Mr. G. R. F. Tottenham : The Honourable Member can make any statement he likes.

Seth Haji Abdoola Haroon : May I know when martial-law was proclaimed in Quetta ?

Mr. G. R. F. Tottenham : There is another question on that subject.

Dr. T. S. S. Rajan : What is the epidemic which the medical officers were afraid of ?

Mr. G. R. F. Tottenham : Cholera, I believe.

Mr. M. Ananthasayanam Ayyangar : Is the Honourable Member aware that for a week and more persons who were imbedded in earth in the Bihar earthquake, were found alive later on.

Mr. G. R. F. Tottenham : That may have been so. I have no information.

Mr. M. Ananthasayanam Ayyangar : Why was the operation suspended within three days ?

Mr. G. R. F. Tottenham : The damage and devastation in the city of Quetta was of a different character from the damage done in the comparatively small towns and villages in Bihar.

Mr. M. Ananthasayanam Ayyangar : Have excavations been made since then for recovery of property from under the debris ?

Mr. G. R. F. Tottenham : I would refer the Honourable Member to the answer I have read out.

Seth Haji Abdoola Haroon : Is salvage work being done at present by the Government.

Mr. G. R. F. Tottenham : There are other questions on the subject which my Honourable friend, the Foreign Secretary, will be answering shortly.

Mr. M. Ananthasayanam Ayyangar : Would the recovery of property also have led to the outbreak of cholera ?

Mr. G. R. F. Tottenham : There was grave risk of disease arising from the exposure of corpses lying under the debris. Whether excavations had taken place for the recovery of bodies or of property, the danger would have been the same.

Pandit Krishna Kant Malaviya : May I know if excavation work was stopped as Government were short of hands ?

Mr. G. R. F. Tottenham : Not at all.

Dr. T. S. S. Rajan : Is not cholera a water borne disease ?

Mr. G. R. F. Tottenham : I am not a doctor, Sir.

Dr. T. S. S. Rajan : To say that a decomposed body would give rise to cholera is against all scientific facts.

Mr. Sri Prakasa : Was the nature of the damage done in Quetta different in nature to that done in the great city of Monghyr ?

Mr. G. R. F. Tottenham : I have no knowledge of the damage done there.

Mr. M. S. Aney : As regards the outbreak of cholera, may I know the names of the medical officers who gave that opinion.

Mr. G. R. F. Tottenham : The Honourable Member will find them in this pamphlet.

Mr. M. S. Aney : Can the Honourable Member oblige me by giving me the names ?

Mr. Sri Prakasa : On what authority did the Honourable Member say that the damage done in Quetta was different from that in Bihar ?

Mr. G. R. F. Tottenham : On the basis of facts, Sir.

Mr. Sri Prakasa : But did not the Honourable gentleman say that he had no knowledge of the damage done in Bihar ?

Mr. Lalchand Navalrai : May I know from the Honourable Member whether, when the excavations were made for finding out the property, cholera raged there then or not ?

Mr. G. R. F. Tottenham : The excavations were made after due precautions had been taken, and the danger of disease, I understand, is now less, because a large number of the corpses have dried up.

Mr. Lalchand Navalrai : May I know if no precautions would have availed at that time ? Would any precautions not have availed at the time after the 3rd of that month ?

Mr. G. R. F. Tottenham : I have answered that in reply to part (c) of the Honourable Member's original question.

ALLEGED DISAPPEARANCE OF CERTAIN PERSONS AFTER THE EARTHQUAKE AT QUETTA.

252. **Mr. Lalchand Navalrai :** (a) Is it a fact that some people, including some women, were taken to the Relief Camp immediately after the earthquake at Quetta ? If so, had they any ornaments and valuable on their person, and how were they disposed of ?

(b) Is it a fact that some persons, including certain women, disappeared after they were secured from under the debris ?

(c) Were they traced subsequently ? What steps did Government take to find them out ?

Mr. G. R. F. Tottenham : (a) Hundreds of people of both sexes were taken in lorries to the Relief Camp soon after the Earthquake and a very large number went there on foot. It is naturally quite impossible to say what ornaments or valuables they had in their possession nor how they disposed of them.

(b) and (c). As far as is known no persons disappeared after being dug out from the debris.

Mr. Lalchand Navalrai : May I know from the Honourable Member whether, when these people were taken to the hospital, the ornaments on the persons of the women were removed or not ?

Mr. G. R. F. Tottenham : Certainly not.

Mr. Lalchand Navalrai : Where did they go, then ? They must have had some ornaments,—or they had no ornaments at all ? If there were no ornaments, where did they go ?

(No answer.)

Seth Govind Das : Did those ornaments then go into the pockets of the Government servants ?

(*Cries of " Order, order "*)

Mr. Lalchand Navalrai : Sir, the Honourable Member is not answering my question.

Mr. President (The Honourable Sir Abdur Rahim) : Apparently the Honourable Member is not in a position to answer it.

CHILDREN SECURED AFTER THE EARTHQUAKE AT QUETTA.

253. ***Mr. Lalchand Navalrai :** (a) Were any children secured on the night of the earthquake at Quetta and thereafter ? If so, how many were males and how many females, and how were they disposed of ?

(b) Were there any unclaimed children and orphans in charge of Government ? If so, how have they been disposed of ?

Mr. G. R. F. Tottenham : (a) and (b). Many children were rescued and left the city with their parents or relatives, but I am unable to give their numbers. As far as is known only one orphan, a Sindhi girl, was found. She was admitted to the Race Course Hospital on the 2nd June and was subsequently sent to the Shikarpur Orphanage. Twenty-two Muslim orphans, who were living in the Quetta Muslim Orphanage, were removed to the Lahore Orphanage on the 2nd June, 1935.

Mr. Lalchand Navalrai : Were there no orphans admitted to hospitals, and, if so, where were they then sent ?

Mr. G. R. F. Tottenham : I have just given the information in reply to the Honourable Member's question.

CASUALTIES DURING THE EARTHQUAKE AT QUETTA AND VALUE OF THE PROPERTY LOST.

254. ***Mr. Lalchand Navalrai :** (a) Will Government be pleased to state how many people in all were killed during the earthquake at Quetta, and how much property was lost ?

(b) How many Europeans, civil and military, were killed and injured, respectively ?

(c) How many of them were secured alive from under the debris, and when was excavation made for them, and for how long ?

(d) Were any Europeans sent away to Europe ? If so, what was their number, and when were they sent ?

Mr. G. R. F. Tottenham : (a) As regards the first part, the Honourable Member's attention is invited to page 1 of the pamphlet " The Quetta Earthquake, 1935 ", a copy of which was sent to him on the 29th August, 1935.

As regards the second part, it is impossible to estimate the value of the property lost, but in Quetta city alone, approximately fifteen thousand shops and houses were destroyed or badly damaged.

(b) The approximate numbers are :

	<i>Killed</i>	<i>Injured.</i>
(i) Army	11	30
(ii) Royal Air Force ..	56	132
(iii) Civil	90	59
(iv) North Western Railway ..	95	27
Total ..	252	248

(c) The approximate numbers are :

Army	22
Royal Air Force ..	83
Civil	56

These figures do not include many Europeans who were able to extricate themselves or were rescued by their servants before organised rescue parties arrived.

It is impossible to say in each case when excavation began and how long it lasted.

(d) Yes, 1,176 They were provided with passages as soon as accommodation in steamers was available for them. The majority were sent in a specially chartered ship on the 21st June, 1935. Some had to be detained until fit to travel

Mr. M. Ananthasayanam Ayyangar : What was the total population of Europeans in Quetta at the date of this earthquake ?

Mr. G. R. F. Tottenham : I do not know, Sir.

SALVAGE OF PROPERTY AT QUETTA AFTER THE EARTHQUAKE.

255. ***Mr. Lalchand Navalrai :** (a) When did the salvage of property commence at Quetta after the earthquake, and how long did it last ?

(b) How much property was secured during the salvage work and what was the cost incurred for doing so ?

(c) Is it a fact that a persistent and earnest demand was made for an early salvage ? If so, why was it refused ?

(d) Are Government aware that the traders of Quetta, particularly Shikarpur bankers, had a great stake and is it a fact that they requested for very early excavation of their documents and valuable securities, but the request was rejected ? If so, why ? When were such excavations made after all ?

Mr. G. R. F. Tottenham : (a) The salvage of certain essential items, such as food and petrol, began immediately after the earthquake. On the fifth day it had to be confined to selected areas owing to the danger of infection, and operations in the city area were suspended for this reason. The Honourable Member is referred to the Communiqués issued on the 10th and 30th July and the 30th August regarding the resumption of salvage operations

(b) Government have no precise information as to the value of the large amount of property that has been salvaged or the cost of salvaging it.

(c) and (d). Such demands as were made for early salvage had to be refused for the reasons explained in the answer to part (a). The rescue of human beings rather than of property was naturally the first concern of the authorities.

Mr. Lalchand Navalrai : May I know if excavations have now been made for the purpose of salvaging the documents and securities or not ?

Mr. G. R. F. Tottenham : If the Honourable Member will read the Communiqués to which I have referred in part (a) of my answer, he will find what has, and has not yet, been done in this matter.

Mr. M. Ananthasayanam Ayyangar : Is there no list maintained of property recovered from the debris ?

Mr. G. R. F. Tottenham : Does the Honourable Member wish to know whether a list of property owners is maintained ?

Mr. M. Ananthasayanam Ayyangar : A list of the property recovered.

Mr. G. R. F. Tottenham : Yes, I believe very careful lists are maintained.

Mr. Lalchand Navalrai : Why then are Government not able to estimate the value of the property recovered ?

Mr. G. R. F. Tottenham : My Honourable friend, the Foreign Secretary, has already stated the value of the property which has been recovered since the regular excavation work began a few weeks ago. That amounts, I believe, to something between rupees four and five lakhs. We have no definite information as to the value and amount of property that was recovered in the earlier days, directly after the earthquake took place.

Mr. M. Ananthasayanam Ayyangar : In the earlier stages, was the property salvaged handed over without any receipt, irrespective of the claims of the rightful owners ?

Mr. G. R. F. Tottenham : Just after the earthquake, a number of owners of property were able to go and take over their property themselves, and no precise record, I imagine, was kept of those transactions.

Mr. M. Ananthasayanam Ayyangar : Are Government assured that whatever property came into the hands of the relief workers were passed to the rightful owners ?

Mr. G. R. F. Tottenham : Every possible precaution is being taken and every possible step is being taken to see that property is restored as far as possible and as quickly as possible, to its rightful owners.

RE-BUILDING OF QUETTA.

256. ***Mr. Lalchand Navalrai** : (a) Do Government propose to re-build Quetta ? If so, at what place, under what plan and with what safety ?

(b) What precautions do Government propose to take to mitigate loss of person and property from any earthquake in future in the Quetta area ?

Mr. G. R. F. Tottenham : (a) and (b). The Honourable Member's attention is invited to Chapter VIII of the pamphlet, "The Quetta Earthquake, 1935", copies of which were sent to all Members of this House on the 29th August, 1935. The whole matter is still under consideration.

Mr. M. Ananthasayanam Ayyanger : With reference to the statement of the Honourable Member in connection with the previous question as to the loss of life among the European civil and military officers there, may I know for the information of the House whether the houses that have been built for European civil and military officers were of a different type and earthquake-proof ?

Mr. G. R. F. Tottenham : No, Sir. Before this earthquake, there were no earthquake-proof constructions in Quetta, apart from the few buildings that were built on earthquake-proof lines between 1931, when the last earthquake took place, and 1935 : and none of those buildings, as far as I am aware, were buildings for military officers ; they were mostly, I think, for railway officers.

Mr. M. Ananthasayanam Ayyanger : Then, how does the Honourable Member account for the lesser loss of life among the European military and civil officers ?

Mr. G. R. F. Tottenham : The main reason was that the buildings in the city were extremely badly constructed ; they had no proper mortar, and so forth.

Mr. Lalchand Navalrai : May I know, since Quetta is still shaking, whether on that account Quetta would be removed from its present site, and, if so, where ?

Mr. G. R. F. Tottenham : I cannot give any further information on that point. The matter is still under consideration at the moment.

THE CRIMINAL LAW AMENDMENT BILL.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the following motion
12 NOON. moved by the Honourable Sir Henry Craik :

"That the Bill to amend the Criminal Law be taken into consideration."

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I was rather disappointed when I heard the speech of the Honourable the Home Member. It seemed that the Honourable Sir Henry Craik was treading upon fresh ground and he had no knowledge of the past, the commitments of his predecessors, Sir James Crerar and Sir Harry Haig. When the Emergency Press measure was first introduced in 1931, Sir James Crerar gave a definite assurance to the House that the Bill was a temporary measure and it was only aimed at terrorist crimes and terrorist

[Mr. B. Das.]

movements. Thereafter, not only Sir James Crerar, but his successor, Sir Harry Haig, repeated that assurance and he even gave the assurance to the House that the Press Emergency Act which was incorporated in the Ordinance Act of 1932 would be withdrawn in time. But, since then, the Honourable Sir Henry Craik has discovered new sins on the part of us, Indians, and he wants to perpetuate this Act. Last year, when he was a fresh Member to this House, he said that India had two public enemies—public enemy No. 1, the terrorist, and public enemy No. 2, the Communist. But this year, very obviously, he has discovered public enemy No. 3, which is the communal dissenter. If I know the way in which his mentality is working, I will not be surprised if, in the near future, he discovers another public enemy, which will be called public enemy No. 4, namely “the contempt of the High Courts in India”. I will, later on, try to show that the High Courts in India are siding with the executive and making us believe that Indians cannot expect the British sense of justice any more from the Indian High Courts.

Sir, I must take this opportunity of offering my congratulations to Mr. Griffiths for his able maiden speech. This is the second time that Bengal has sent us a civilian—the first was the Irish civilian, Mr. Donovan—who can make a fine speech. But I was very much surprised to find that both Mr. Griffiths and Sir Henry Craik were trotting out the same old arguments of 1930-31. They had no fresh arguments to put forward as to why this Press Emergency Act and this Ordinances Act should be perpetuated. There was nothing new in all the arguments that Mr. Griffiths brought forward and for which he was cheered by the henchmen of the Government sitting on the other side of the House. All those arguments were repeated *ad nauseam* by Sir James Crerar and Sir Harry Haig and the then supporters of Government. Not a single new fact was brought out by the Home Member or even by his able supporter from Midnapore. I would ask Mr. Griffiths—I am sorry he is not present in the House—whether he read the speeches of Mr. K. C. Neogy and Mr. S. C. Mitra on the question of the Dacca riots and the Midnapore riots at the time when the Bengal Ordinance Bills were discussed and passed, and the various tragedies that were perpetrated by the Bureaucracy in Bengal by those Black and Tan methods? I challenge also Mr. Griffiths, including the Home Member, to tell me why the Nelson Committee's report was not published. Why is it that the Adami Committee's report on the Dacca riots was not published? The Adami Committee was appointed to inquire into the troubles of Dacca, and I believe at that time Mr. Griffiths was in Dacca. Very likely he was the Diwan of the Nawab of Dacca when the riots took place at Rahmatpur and other places. I want to know why those two reports were not published. Sir Harry Haig gave us an assurance on the floor of the House that a Government Committee was being appointed to inquire into the causes of the Dacca riots. That report never saw the light of the day. When the predecessor of the present Home Member was questioned, he began to reply in a roundabout way. Government did not publish those two reports because they knew that, if those two reports would see the light of the day, the Bengal Government, the Bengal executive and the Bengal police would stand condemned, not only before the people of India, but before the civilized nations of the world. That was the reason why those two reports were not published. The same remarks also apply to the report of the Government Committee in connec-

tion with the riots in the Hijli camp, which also did not see the light of the day. I hope, when the Home Member stands up to justify his unjustifiable position, he will be good enough to say why those three reports were never published. Sir, I will only ask the Honourable the Home Member, who is so very new to the Bengal politics and the mysterious dealings of the Bengal administration, to revise his memory by reading the debates that took place on the floor of the House and, though I am not a Bengali, the impression that was left on my mind was that the Bengal Government was overdoing the case.

Sir, one must seek the grounds why Government want to perpetuate this legislation. The Honourable the Home Member has dropped a hint. He wants to give a certain amount of security to the new Ministers. Whether the new Ministers will have any power or whether the Bureaucracy, the Civil Service, will control the new Ministers under the new dispensation of provincial autonomy or whether they want to continue the present system of autocratic administration, are points on which I do not wish to express any opinion. But I do wish to say this that the Government of India are not anxious so much for the new Ministers as to enable their followers, the Civil Service, to continue the present system of administration. I want to know how is it that, whenever the Government of India introduce a Criminal Law Amendment Bill on the floor of this House, red leaflets and red placards are always circulated in Chittagong and placards are posted all over the town. Here is a cutting I have got from the *Hindustan Times* which says that the northern quarter of the town of Chittagong was plastered with red leaflets in Bengali which were removed by the police. As far as I know—and I would like to be corrected by the Honourable the Home Member if I am wrong—there is martial law in Chittagong and no Bengali youth can go out after the evening. This very thing happened in 1931 and 1932 when this House discussed similar measures. Sir, the public suspicion is, and we have often given expression to this, that the police is behind all these. The police and the military are controlling the Chittagong town and there are curfew orders there; and, yet, in the night, some youths were able to go out and put these placards all over the town. This is very surprising indeed! It only shows the methods that are adopted by the Bureaucracy and the alien Government to justify their case.

Sir, the *Amrita Bazar Patrika* has published a Government circular which leads me to infer what is behind the Government mind in perpetuating this Ordinances Act. This is the circular issued by the District Intelligence Branch Institute of Bengal. I am glad that my Honourable friend, Mr. Griffiths, is here and he will justify this circular if he gets another chance to speak on this Bill and he will justify the action which his Government has taken. This circular which the police in Bengal circulated to their underlinks of the police department reads thus:

“At the instance of Pandit Madan Mohan Malaviya, a new party has grown up under the caption of ‘Congress Nationalist Party’. In Bengal, its nominees have swept all the polls in the recent Assembly elections, defeating their rival candidates set up by the Congress Parliamentary Board of Dr. B. C. Roy. The Congress Nationalist Party aims at the rejection of the Communal Award and the White Paper. Whether any members are being enrolled by the Nationalist Party or any organisation supporting them is being set up, you would intimate accordingly. Henceforth, any enrolment of Congress members or organizing Congress activities should be mentioned in your weekly confidential reports.”

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[Mr. B. Das.]

Sir, this shows what the Bengal Government has in mind, and if the Honourable the Home Member is still exercising superintendence and control over the Government of Bengal, then, I think the Government of India is a party to this kind of circular to the departmental myrmidons in Bengal. I hope, when my Honourable friend, the Deputy President, rises to speak on behalf of Bengal, he would like to tell us how the police are harassing the Nationalist Party and the Congress organisations in Bengal, so that my Honourable friend, Sir Henry Craik's secret ambition, that the Ministers under the new regime should be all toadies and not nationalists, would be fructified. This shows that the Government have got a deeper policy. A new Home Member comes and repudiates what his predecessor has said in the past, namely, that this measure would not continue permanently and that this measure would aim at only terrorist crimes.

Sir, I have often condemned, on the floor of the House, terrorist crimes, and Sir Harry Haig, while he was a Member of this House, agreed in the end with the Government of Bengal and wanted that the Government of India and the Government of Bengal should collaborate in finding employment for the unemployed and they should find the energies of these youths diverted from terrorist crimes. My Honourable friend, Mr. Sarma, talked of Sir George Anderson's speech. I take this opportunity to refer to Mr. Sarma's speech just a second. It seems Mr. Sarma made an excursion last year to England and hob-nobbed with the high and mighty in the India Office and gave banquets which were all well-known. But he seems to have had no time to acquaint himself with the British public, and, therefore, he took shelter as a speaker on the floor of this House and insulted the intelligence of the British public that they do not read the British press and that public opinion is not shaped by the British press. If I were an Englishman, I would feel indignant at such a statement coming from anybody, and I believe my Honourable friend, Mr. Sarma, got an embrace from the Honourable the Home Member which he was eagerly looking forward. Well, Sir, the Honourable the Home Member might embrace Mr. Sarma, but no Britisher, proud of his nation and of the liberties of the British press, would embrace Mr. Sarma, rather would detest his speech. If His Excellency Sir George Anderson, at this late stage, wants that the detenus should be trained in agricultural activities and opportunities should be found for them as to how to live in the pursuit of agriculture, I want to know what did the Government of India and the Government of Bengal do in the past, and why did they not think of solving this so-called problem of unemployment, whether it is among the educated classes of Bengal or amongst the unemployed workers in Bombay whom the Honourable the Home Member dubs as Communists. The Meerut Conspiracy Case proved that there is very little justification for thinking that there is any widespread movement of Communism in India. I read Communist books and I believe the Honourable Sir Henry Craik in his leisure moments may be reading those books just to enlighten his soul and spirit. That does not mean that the soil of India is suitable for the spread of Communism. I challenged the Honourable the Home Member last Session whether he wants to condemn Socialism as a public enemy of India, and he did say, no, he had no aim at Socialism. I know in India there is the Socialist Party growing inside the very Congress to which I belong. If it is honest and pure Socialism, the Socialism of Pandit Jawahir Lal Nehru, I have nothing to quarrel with ; but to raise

this bogey of Communism to perpetuate measures that will give a handle to the lieutenants of Government to do anything they like, to pursue Black and Tan methods which they pursued in Ireland just before De'Valera freed Ireland from the yoke of England, then, Sir, I condemn the action of the Government.

I should like to allude to one thing more. The Honourable the Home Member talked about the friendly and the unfriendly presses. As an old Member of this House, I know and I have been accustomed to see Home Members in the past taking all the press into their confidence and tailing to them. Somehow, the Honourable the Home Member, Sir Henry Craik, experienced as he is, tried to flirt with the *Hindu* of Madras and invited the only Indian representative of that paper. He did not invite the representatives of the other papers, not even the representatives of the Associated Press of India or the United Press or the Free Press of India. This new system of flirtation will not do any good. I do not know whether the Honourable the Home Member read that speech of the late Mr. A. Rungaswami Iyengar while he presided over the All-India Journalistic Conference in 1931 and where he condemned the Press Ordinance that was introduced in 1930. So, if the Honourable the Home Member thinks that by setting one particular section against another section of the Indian press, he will try to create dissension amongst the Indian press, he will be thoroughly disillusioned. His predecessors did the same. They caused communal dissension which he now calls Public Enemy No. 3. If there is communal difference in India, as my Honourable friend, Dr. Deshmukh, has already pointed out, I blame the Government for it. I do not say that the Honourable Sir Henry Craik was a party to it, he might have been a party to it in the Punjab, I do not know anything about his work in the Punjab. But I, who has been here for the last 12 years, know how the policy of the different Home Members has caused this deep communal tension. Well, the story has ended. My Muhammadan brethren have got the Communal Award and they are satisfied with it, and they are not going to play any more into the hands of the Government and play their tune. So, I submit that Government cannot set a nationalist paper like the *Hindu* against the other press so that there will be dissension and they can get help from an unexpected quarter where no Government will expect help. I congratulate, rather I pity, the Government of India for having postponed my Bill to repeal the Criminal Law Amendment Act, 1908, to another date. It is coming on the 17th of this month. I should have thought that Government had a grain of common sense. Why did Government originally fix the 3rd instant as the non-official day for Bills? While the ballot box was placed on the table outside the Chamber, and while most of us signed our names in the numbered list, suddenly a *fatwa* comes in in the name of the Governor General to the effect that the non-official day has been changed from the 3rd to the 24th. I submit that either the Governor General has not discharged his responsibility or that he is incompetent to discharge his responsibility, because, why was it done on the day when the ballot box was placed on the table for Members to sign their names in that register. That shows the incompetency of the Governor General and his advisers, whether they are the whole Executive Council or only one Member is involved in it.

Sir, I told the Honourable Member that he would create in a year or so public enemy No. 4 in the matter of legislating for contempt of Courts.

[Mr. B. Das.]

Only yesterday, I got from my esteemed friend, Mr. C. Y. Chintamani, a copy of an editorial which was published about certain contempt of Court created through an article in his paper. We, who belong to the eastern part of India, were surprised at the punishment of that great editor, Mr. Tushar Kanti Ghosh of the *Amrita Bazar Patrika* who was punished by the High Court of Calcutta for a slight error, which may be called contempt of Court. Sir, I am not a lawyer and I am not afraid of speaking out boldly even against the Indian High Courts which are at present functioning as part of the executive Government. The I. C. S. men are going to be High Court Judges perpetually,—so it is provided in the Government of India Act.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable gentleman is perhaps wandering far away from the Bill.

Mr. B. Das : Yes, Sir, but I am giving the necessary advice as to what will come next year.....

Mr. President (The Honourable Sir Abdur Rahim) : There are other Honourable Members who desire to speak on the Bill itself.

Mr. B. Das : So, Sir, I have no hope from this Government or the High Courts. The High Courts have fallen in my estimation and in the estimation of the Indian public, because they do not administer justice and they misrepresent justice in India and identify themselves with the executive.....

Mr. President (The Honourable Sir Abdur Rahim) : The Chair will not allow the Honourable Member to make these reflections on the High Courts.

Mr. B. Das : Sir, what this Government want is permanent protection. They have got it through the Government of India Act in the shape of safeguards. And, only three days ago, the Honourable the Finance Member said that an industry which required permanent protection had no right to exist. I would repeat the same admonition ; I would say that a Government which wants permanent and perpetual protection, whether by means of safeguards or by means of Ordinance Bills or Press Laws, has no right to exist, and, therefore, I ask them to get out of this country.

Dr. R. D. Dalal (Nominated Non-Official) : Sir, in supporting the motion moved by the Honourable the Home Member to take into consideration the Criminal Law Amendment Bill, I desire to refer to some of the general considerations of the Bill ; and, in doing so, I shall occupy the attention of this Honourable House for only a few minutes. In the first place, I congratulate the Honourable the Home Member on bringing forward this Bill in the interests of public security and tranquillity—in the interests of the peaceful development of the country and the liberty of the action of individuals in the political, social, and economic sphere. This Bill proposes to replace the Criminal Law Amendment Act of 1932, which is due to expire on the 18th December, 1935. Sir, I confess that this Bill has evoked a good deal of opposition from the Honourable Members opposite, and I am conscious that more dissentient voices will be raised. But I submit that all legislation is unpopular with somebody ;

and Honourable Members must be aware of the most salutary measures denounced as iniquitous at the time of their introduction and of the Government savagely abused for the passing of the Acts, which were afterwards extolled and applauded as their principal title to fame.

Now, Sir, I shall just say one word as regards the Civil Disobedience Movement, and I shall then pass to an important item, namely, the control of the press.

Sir, I respectfully ask, does any right-minded Indian desire to return to the dreadful conditions of 1930 Civil Disobedience Campaign, namely, the horrible carnage and bloodshed of Cawnpore, the ghastly tragedies at Sholapur, the dislocation of trade and business, hartals, frenzied appeals to boycott and obstruction, raids on salt pans, the looting and burning of foreign goods, corrupting frontier tribes, murder, rape and arson? If there is one thing which the people of India desire, it is to be saved from the horrors of 1930. The Congress has time and again declared that the Civil Disobedience Movement may be revived any time, the object being to destroy the law, and to paralyse and coerce the Government, and to intimidate and coerce those individuals who do not agree with the Congress. The behaviour of the extremists cannot be depended upon. The Civil Disobedience Movement was started for the second time on quite inadequate grounds; and if these powers are relaxed, it is just possible that the Civil Disobedience Movement may be started for the third time. Further, Mr. Gandhi, Leader of the Congress, has time and again declared that Civil Disobedience is with him an article of faith. Furthermore, four or five days back, on the 5th September, my Honourable friend, Mr. Satyamurti, Secretary of the Congress Party, solemnly admitted that Civil Disobedience would never be abandoned. For these reasons I have reluctantly come to the conclusion that it is unwise to omit from the new Act the sections which expressly refer to the Civil Disobedience Movement—this subversive movement, which is the denial to democracy, an enemy of freedom, and an obstacle to reform.

Sir, I submit that no innocent law-abiding person has any reason to fear the effect of the provisions of this Bill; and the honest and well-conducted press has nothing to fear from this Bill. These powers are necessary owing to proved ineffectiveness of the existing law. Prosecution for sedition is a slow, complicated, elaborate proceeding, and even when a conviction is obtained, it is obtained against a man of straw. The editor, who actually directs and inspires the policy of the paper and who writes seditious articles, sits quietly, easily, safely, and comfortably in the background. Of course Government can publish a contradiction in a communique, but the mischief is already done by the original false statement or insinuation. Sir, the consistent policy of Government has been to maintain the Indian press as free from control as possible; but circumstances have compelled Government to impose or to re-impose executive control. The liberty to print attacks on Government, to impute evil motives to Government, to incite to refusal to pay or to acts of violence—this liberty is surely not the true freedom of the press. Much has been said as to restricting and curbing and curtailing the liberty of the press; but I submit that liberty is more easily destroyed by those who abuse it than by those who restrict it. I confess that the Indian press, especially the vernacular press, has played a very important

[Dr. R. D. Dalal.]

part in creating public opinion and interest in political affairs amongst the masses. But a great deal of mischief that has been created is due to the vapourings and vagaries of the vernacular press. Lawlessness, communal bias, hatred between the different communities, Hindu-Moslem riots, all these are mostly due to the vernacular press. The Indian National Congress is admittedly the strongest and best organised political force in India, and the Congress has unquestionably succeeded in rousing the masses. This success is mainly due to the vernacular press. There is no doubt that in the past a torrent of misrepresentation, perversion, and sheer invention has poured from the vernacular press : and the vernacular newspapers have encouraged the spirit of lawlessness by praising to the skies every manifestation of defiance of the law ; what is more they have stimulated the lower passions of their readers by every means ranging from salacious advertisement to the condonation of murder. Now, Sir, with your permission, I shall refer to the bomb explosion in the Legislative Assembly Chamber at New Delhi. That dastardly outrage was perpetrated on the 8th April, 1929.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions, Non-Muhamadan Rural) : Can that be prevented by this Bill ?

Dr. R. D. Dalal : My cousin—Sir Bamonji Dalal was seriously injured as a result of that bomb explosion. Holding strongly as I do the view that the Criminal Law Amendment Act of 1932 has exerted a powerful deterrent influence and in view of what has happened to my family, I regard the press provisions with much gratification, because I am convinced that the idea of that Delhi bomb explosion was nurtured as a result of seditious writings.

Now, Sir, with your permission, I shall state very briefly how seditious writings become disseminated in rural areas. I was one of Secretary of State's doctors for plague duty in India, and one of my duties was to carry on rat-destruction as a measure against plague. So in the evenings I had to supervise the laying of rat-poison baits in the houses of villagers. During those rounds many a time I saw large numbers of villagers assembled in the open air, or in a village school, or at the village *chavdi* ; and to those crowds articles from vernacular newspapers were read loudly by some one of the audience, and then they were criticised. I need hardly point out that at those meetings disaffection against the British Raj in India was fostered ; and I need hardly add that seditious writings are the poisonous seed, which must sometimes fall upon the soil of immature or discontented minds, and that from such root in due course springs the impulse, which drives human beings to ruthless and shameless crime and invests it with the false halo of self-sacrifice.

Sir, I submit that every sensible, reasonable, and right-thinking person will agree that these weighty considerations I have briefly indicated prove the necessity for this Bill and establish its justification. I am strongly of the opinion that some such legislation as is now before this Honourable House is absolutely necessary in order to resist the forces which would create a state of anarchy and chaos, and in order to bring to fruition the policy of Government to hand over to the future Government a working administration in such a manner that the transfer of command shall be a transfer of power and not of weakers ; and I

earnestly, with all the force and conviction of which I am capable, appeal for the support of all Honourable Members, who have at heart the peace, welfare, and happiness of the people of this country. (Cheers.)

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Mr. President, in discussing the Bill before us, the first and the foremost question is what is the occasion, what is the necessity, what is the scope and what is the object of this Bill. The Honourable the Home Member has told us that the occasion is this : the Criminal Law Amendment Act of 1932 will expire in December, 1935. The Government of India propose, by this Bill, to continue certain of the provisions of that Act in a permanent form, and he told us that this legislation is a safeguard against the four menaces of terrorism, communalism, Communism and the Civil Disobedience Movement. The question which I ask Honourable Members of this House to consider is this : is it really a *bona fide* excuse—these four grounds that have been made the foundation of the proposed legislation ? If it is really intended to perpetuate the provisions of the Criminal Law Amendment Act of 1932, it is necessary to see what that Bill was. Was that Bill for fighting these three menaces, terrorism, communalism and Communism ? It would appear from an examination of the Act of 1932 that that Act had nothing to do with the terrorist movement, or, for that matter, with communist movement or with communalism. The Act of 1932 was based on the provisions of Ordinance No. 10 of 1932. That was an Ordinance, the preamble of which says :

“Whereas an emergency has arisen which makes it necessary to confer special powers upon the Government for the purpose of maintenance of law and order”

That was in April, 1932. We must remember what was that emergency. Was it Communism or was it communalism, or, for the matter of that, can it be said that that emergency was terrorism ? We all know what that emergency was. That emergency was the Civil Disobedience Movement of 1932. To say that terrorism was the emergency is to say something which is absolutely meaningless. What is the meaning of emergency ? Emergency means a sudden occurrence, a sudden appearance, an unexpected occurrence, something which unexpectedly happens is a matter of emergency. Can it be said that the terrorist movement was an emergency which occurred in 1932 ? Sir, the terrorist movement has been going on in this country for a long number of years, and there was already in the provinces emergency legislation existing to fight the terrorist movement. Therefore, Sir, it is quite obvious that the terrorist movement was not one of the objects for enacting the Act of 1932. We all know, Sir, that when that Ordinance of 1932 expired in December, Government thought it necessary to replace it by the Act of 1932, which it is now proposed to perpetuate. Now, Sir, what did the Honourable the Home Member in charge of the Bill say when this Act of 1932 was enacted ? It was stated in the Statement of Objects and Reasons appended to that measure—I am quoting the exact words :

“That the organisers of the Civil Disobedience Movement have not yet abandoned their attempt to paralyse the Government and to coerce law-abiding citizens.”

That was the avowed justification for the necessity for the Act of 1932. There was no mention made at that time of the terrorist

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movement. We need not labour this point. When the then Home Member moved for reference of the Bill to the Select Committee, he said this :

“ The objects of the Bill were to deal with the manifestations of the Civil Disobedience Movement and, in particular, to deal with certain forms of intimidation, particularly picketing and boycotting, with certain matters connected with unlawful associations and with control of the press. On the foundation of this Bill which is before the House, which was intended to apply to manifestations of the Civil Disobedience Movement which are apt to occur throughout India, various Local Governments have also introduced supplementary legislation in their local Councils, legislation which appears in general, though of a more drastic character than the proposals before this House, to be receiving the approval of the local Councils.”

Later on, at another place, the Home Member said :

“ We were pressed, however, very strongly from many quarters to impose a time limit on these provisions which are admittedly exceptional provisions, admittedly drastic provisions, and, in deference to those views, we have agreed to put a time limit of three years on the Bill. We may hope that by the end of that time, the futility, the waste of effort, the injury to the country, both moral and economic, caused by civil disobedience, will have been fully appreciated, and the negative, destructive, non-co-operating mentality which, under the influence of success or supposed success, has been flourishing so long will have been finally discredited, and when it has been discredited, then, Sir, let this Bill lapse. In any case within three years we hope that the decision as to the continuance or discontinuance of these provisions will lie in other hands than ours.”

So, apart from the other things which he said about the futility, from his own point of view, of the Civil Disobedience Movement, here was a clear declaration made that as soon as the Civil Disobedience Movement will disappear, the Bill will lapse. That was the idea given to us, so that there is no manner of doubt that all the grounds now urged in justification of this measure are merely an after-thought.

Then, Sir, about the Civil Disobedience Movement, the Honourable the Home Member in a somewhat half-hearted manner said that because Civil Disobedience declined, some of the drastic provisions have been dropped in this Bill. He referred to three menaces ; he did not like to call the fourth menace or danger by any name ; but, all the same, later on in his speech he made it perfectly clear that he wanted to fight four dangers by this Bill including the Civil Disobedience Movement. Now, Sir, the Civil Disobedience Movement, whether it has been suspended temporarily or abandoned for all time to come, the stern fact remains that it is no longer in force at the present moment, but it has been stated, in justification of some of the provisions, that in the near future the Civil Disobedience Movement might possibly be revived. I wonder whether that can be made a ground for the enactment of this drastic legislation in anticipation of some future trouble and for making the emergency legislation permanent. Therefore, Sir, all the four grounds mentioned, namely, terrorism, Communism, communalism and Civil Disobedience Movement, cannot be held to be valid for the enactment of this measure. I shall discuss the question of terrorism later on, but for the moment I am merely trying to show that terrorism cannot be made the ground for the perpetuation of these provisions. Now, Sir, admittedly, so far as the terrorist movement is concerned, the precise position of the Government is this, that there has been a definite improvement in the position, but only it is said that recruitment is still going on, but where recruitment is going on is not stated.

One fact, however, has been admitted, and that is, the position has improved considerably. These are the two facts so far as the Civil Disobedience Movement is concerned,—namely, it has declined very considerably compared with the movement of 1932 when this Act was enacted. This is one fact,—and the other fact is, that those provisions which it is proposed to perpetuate were not intended to fight terrorism. In view of these facts, it is very difficult to understand why terrorism should be made a ground for the perpetuation of these provisions.

Sir, the third ground given is communalism. That is again a question which I shall discuss later on. Is it, I ask, a *bona fide* ground for the enactment of these provisions? The argument that to fight communalism, an emergency legislation, a drastic legislation, a coercive legislation should be enacted, is something which it is very difficult to appreciate, and communalism is not an emergency. Can anybody say with any reason or plausibility that this evil of communalism has been a sudden unexpected occurrence? Whatever the character of communalism may be,—the question as to who are responsible for it, and how it should be remedied, apart from all these questions,—communalism cannot, by any stretch of imagination, be said to be an emergency.

There is another argument that has been put forward, and that is that this Bill is for the benefit of the new Government that is coming. This is a point which has been dealt with by many of my Honourable friends, and I shall not repeat all they have said. But let me say only this. It appears that all this argument for the benefit of the new Government that is coming is merely shedding crocodile tears. It is just possible—I do not know, but it is just possible that it may be a bribe offered, an attempted bribe offered to those gentlemen who are likely to be in power in the new Government. “Look here, you are going to be Ministers, and, therefore, this Bill is for your benefit.” Whether those gentlemen will fall a prey to that temptation, I do not know; but when the new Governments come, they will have their own Legislatures and there will be ample opportunity for any sort of legislation that they may find necessary, and I do not see why this legislation should be undertaken in anticipation. That, again, is not a *bona fide* excuse; it is a *mala fide* excuse.

Then, the argument was that this is for the benefit of the voiceless millions. That is an argument which we are already accustomed to hear—that whatever this bureaucratic Government do, that is done for the benefit of the voiceless millions of this country, because they claim that they are the trustees of the people. The real object of this legislation has, however, come out in the last part of the speech of the Honourable the Home Member where he says that the object of this legislation is not to crush the spirit of nationalism in this country. I say, that is the real object, there the real motive of this Bill has come out, because it is well known that language is intended not to give expression to thoughts, but to conceal them. And if we judge this declaration by that standard, then we can appreciate the real motive for this legislation—that is to crush the spirit of nationalism. For instance, what is this provision about picketing? As I understand section 7, it is merely a device to prevent propaganda for Swadeshi in the interests of British trade by penalising even peaceful picketing. That is the old story of exploitation. Therefore, I say that the real

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policy underlying this legislation is to crush the spirit of nationalism and the Congress movement and Congress mentality. That is the real object and underlying policy of this Bill.

Now, I shall examine the three grounds, one after another. Let me take, first of all, the ground of terrorism. The problem which the Honourable the Home Member seeks to solve is the problem of terrorism. The question is, how to solve this problem. The Honourable the Home Member's solution is the repressive, coercive, drastic measures which have been proposed in this Bill. Therefore, the question arises, is that a sovereign remedy for terrorism? It has been admitted, times without number, by different Provincial Governments and by the Central Government also, that repressive legislation alone will not do and other measures are necessary. The question is, what are those other measures, and whether those measures have been tried and adopted. Before you cure a disease, you must know what the real malady is. Before we deal with this problem of terrorism, we must know what are the root causes of terrorism, what is the genesis of terrorism, what is the psychology of this revolutionary movement. We must know what is the inner thought-current of this revolutionary party. That must be known. Has the Honourable the Home Member ever cared to bestow his anxious consideration over this question? There are two things which I want to know from the Honourable the Home Member before he can expect our support to this Bill. What is his diagnosis, what is this revolutionary movement due to, what has made this party a revolutionary party? What are those circumstances, political, economic, or administrative, which have made this party a revolutionary party? Have those causes been investigated and ascertained? We have got in this country any number of committees and commissions appointed for investigating into several problems, political, administrative and financial, but have the Government cared to have a committee of officials and non-officials to find out the real root causes of this movement and to prescribe remedies for it? That is the question of questions. So far as I am concerned, I say that repression is not only not the remedy for terrorism, but I say that repression is, on the contrary, the exciting cause of terrorism. My diagnosis is simple, is incredibly simple. I can describe the root causes of terrorism in two small words, that is,—hunger for food and hunger for freedom one economic, and the other, political. The terrorists want food, they want freedom. Give them food, give them freedom, and terrorism will vanish from this country as darkness vanishes at the approach of dawn. I do not care either for food. Give us freedom, and we shall take care of our food. You cannot satisfy a man's hunger for freedom merely by repressive legislation and depriving him of his personal liberty. You cannot satisfy a nation's hunger for food by depriving them of all their resources and impoverishing them from day to day. Therefore, the two root causes of this revolutionary movement are, causes political and causes economic. So far as the political causes are concerned, the position is this. India wants self-government. The desire for freedom is burning within the hearts of the Indians. Once the fire of freedom is kindled, no human power can extinguish it my methods, either violent or non-violent, by repressive legislation or otherwise. Sir, you can control the body of man,

you cannot possibly control the mind of man. God-given desire for freedom cannot be effaced or impaired by man-made laws. England has lost America, England has lost Ireland, because of this policy of repression. History teaches us that the policy of repression is bound to fail in the long run. You may crush the spirit of some people for all time, you may crush the spirit of all the people for some time ; but you cannot crush the spirit of all people for all time, either by repressive legislation or otherwise. This inwardness of the situation must have been perfectly obvious to British statesmen, and, therefore, they gave promises and pledges of self-government and responsible Government to India from time to time. That explains the announcements made from time to time, but unfortunately they were mere pledges or promises. The history of British India is an unbroken record of broken pledges and broken promises—promises kept to the ear, but broken to the hope. It was Lord Lytton, I believe, who said once that there are two courses open to the Britishers—either to act up to their promises or to cheat Indians....

Mr. Sri Prakasa : They preferred the latter.

Mr. Akhil Chandra Datta :and he confessed as suggested

by my friend, Mr. Sri Prakasa, that he chose
1 P.M. the latter course. The Morley-Minto reforms

cheated India, the Montagu-Chelmsford reforms cheated India, and, I am sure, I voice the feeling of the whole of India when I say that the new Government of India Act of 1935 is another glaring instance of cheating and fraud. Never was a greater breach of faith and a greater breach of promise committed by one nation with respect to another nation. Hopes encouraged and hopes blasted result in inevitable disaster. They produce their own inevitable effect upon the impressionable minds of impatient and impetuous youths. That, I say, is the genesis of the revolutionary movement in the country. That is the political side of the matter. Then, there is the economic side. What has been the financial policy of the British Government in India? That policy has been,—India for England, not India for India. The exploitation of India has been the guiding policy of their administration. In the well known words of Lord Curzon, exploitation and administration go hand in hand. That was the cynical admission of a great Viceroy. Indian industries have been sacrificed at the altar of British industries. India is governed by policy dictated from Lancashire, and, if any policy is laid down here in India, it is formulated in places like Clive Street in Calcutta and other such places. India has been bled white,—bled white, not as a matter of accident, but as a matter of deliberate policy. Life and livelihood have been endangered. The result is acute unemployment. The problem is the problem of bread. The average annual income of an Indian is not even Rs. 40 now. There are hundreds and thousands of people in India who do not have even two meals a day. There are hundreds and thousands of graduates who are starving. A first class M. A. can be had for Rs. 40 a month. I say, these are the contributory causes of the revolutionary movement. That is what His Excellency the Viceroy said in July, 1934, at a meeting of the European Association in Calcutta. He said :

“ But there is another aspect of the Terrorist movement, which I think it is important to bear in mind. It is a fact that at the present time we have too many

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young men and women passing out from the Universities with B.A. at the end of their names, and too few positions for them to look forward to when they want to start on their career of public service. The result is that the lack of occupation produces in their minds feelings of disgust, despair and resentment with the result that they fall an easy prey to the leaders of this movement who lurk in the background and use them at the most susceptible time of their lives to carry out their nefarious designs."

I would ask one question of the Honourable the Home Member. Is he prepared to say that these political causes and these economic forces have not contributed to the development of the revolutionary movement in this country? My case is that terrorism is the inevitable result of the political and economic forces which I have described. He must be a quack who does not diagnose the real inner remedy, but only prescribes external application, calculated to bring only temporary relief. It may be said that these are causes applicable to the whole of India, and I may be asked why the origin and development of terrorism is in a great degree confined to my province of Bengal. That is a question which I feel I owe it to my own province as well as to the Government and to the Honourable Members of this House to explain—as to why it is that this movement of terrorism is more rampant in Bengal than in any other province. My answer to this question is this. Terrorism was born in the anti-partition agitation of Bengal. That is my case, and I hope that, in the final speech of the Honourable the Home Member, he will express his own opinion on this subject—whether that is a correct view of the position or not. My case is that it was born in the anti-partition agitation of Bengal in 1906. There was practically no terrorism in my province before the partition. The partition lacerated the heart of Bengal, and there was an agitation unparalleled in the history of this country, both in volume and in intensity. It must be remembered that that agitation was not an unconstitutional agitation in the beginning. It was a constitutional agitation, but the agitation went on unheeded for half a decade. I say half a decade with the utmost precision. Now, this agitation, Sir, gave birth to the Swadeshi movement. At the time of the declaration of this partition, Bengal declared the boycott of British goods as a protest against the partition. For half a decade, British statesmanship remained adamant and obdurate. That was the inception of the revolutionary movement. But this movement was then only in a nebulous condition; it might have been nipped in the bud by a tactful and sympathetic handling. But the Government, in their intoxication of power, mismanaged the situation and bungled, and probably bungled advisedly. They initiated a policy of repression, a policy of counter-terrorism, a policy of legalised terrorism, to meet that agitation; they initiated a policy of ruthless repression which, instead of pouring oil over troubled waters, added fuel to the fire. Sir, it was a small cloud no bigger than a man's hand then. I am speaking of this terrorism as it was in the beginning; but the Government's repression contributed to its extension and expansion. Sir, I wish to refer to some of the acts of repression that were practised then. There was the *Bandê Mataram* Circular, there was the Risley Circular, and there was the crop of repressive circulars which followed them, there were the Regulation *lathis* which were not only brandished in the streets of East Bengal, but actually showered upon the devoted heads of the promoters of the Swadeshi movement; there was the deportation of our most-respected leaders, including even Sriju

Aswini Kumar Dutt of hallowed memory and Babu Krishna Kumar Mitra. So far as Babu Krishna Kumar Mitra is concerned, Sir, well, he was the prince of moderates. I do not think there has been any man or a politician whose views on politics are so moderate as were those of Babu Krishna Kumar Mitra. He was one of the men deported, because he took part in the constitutional agitation against the partition. Sir, the unjust persecution and prosecution of many true sons of Bengal, the preposterous sentences which were usually passed in what were known as Swadeshi cases staggered humanity and they staggered even a man like Lord Morley himself. The letting loose of Gurkha soldiers upon the people of Backergunj and other districts of East Bengal, the game of divide and rule, the doctrine of the favourite wife, not only preached with cynical frankness, but translated into action, not for the sake of the favoured, but with a sinister design, the indiscriminate and wanton house searches and arrests and shadowing of respectable and innocent gentlemen by the police, the breaking up of social service leagues and beneficent *samitis*, all these put a very serious strain upon the loyalty of our people. They staggered; they paused; they rubbed their eyes, and wondered if they were in the twentieth century under the enlightened British rule. They groaned; they became silent; they became sullen too. But there is still something more to account for the appearance of this revolutionary party. All the executive *Zabardastisms* were not considered sufficient to crush the rising new spirit—a spirit which any national Government would have guided, encouraged, fostered and directed into a right channel. But the angry Bureaucracy summoned the subservient Legislature to forge the most reactionary and most repressive measures one after another.

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable Member propose to continue for some time longer ?

Mr. Akhil Chandra Datta : Yes, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : In that case, the Chair will adjourn the House till half past two.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN.

Mr. Husenbhai Abdullabhai Laljee, M.L.A. (Bombay Central Division : Muhammadan Rural).

THE CRIMINAL LAW AMENDMENT BILL—*contd*

Mr. Akhil Chandra Datta : Sir, before the House adjourned for Lunch, I was describing the ruthless repression that was going on in Bengal and also how that repression gave birth to terrorism and how it gave food to terrorism. The legislative enactments were hurled at us with the rapidity of shots from a machine-gun. First came the Seditious Meetings Act, which was passed in 1907. That shrewd statesman, Dr.

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Rash Behari Ghosh, opposed the Bill, not because he had ever any bias for sedition or seditious meetings, but, with the unerring vision of a true prophet, he saw that the measure was calculated to drive discontent, sedition and terrorism underground. But the prophet was not honoured. He protested in vain, and the measure was passed. In 1908, the Bureaucracy had the Newspaper Incitement Offences Act passed. In that year, they wanted to do away with all our associations which were doing service to the country, and the Criminal Law Amendment Act was passed. The next link in that interminable chain of cruel legislation was the Indian Press Act which was passed in 1910. In 1913, we had another Criminal Law Amendment Act passed for the punishment of criminal conspiracies. The last though not the least, was the Defence of India Act which was passed in 1915. Then followed other repressive enactments. There were so many repressive legislations crowded in such a short period that it must be unparallel in the history of the civilized world. I wonder if British statesmanship thought it could sow whirlwind and yet could reap a good harvest. I wonder if they realised that the discontent which was already deep was being driven deeper, and that it would, according to the immutable laws of human nature, find its own outlet in some other channel. It is always dangerous to sit on the safety valve. Sir, my case is that there was repression in Bengal when there was none in other provinces. Hundreds of youngmen were interned during a period when there was practically no internment in other provinces. This explains why terrorism made its first appearance in my province as compared to other provinces. It is certainly not a matter of accident. Nobody will say that there is anything perverse in the human nature of Bengal. I do claim, without any disrespect to any other province, that the Bengalees are one of the finest people on the face of the earth. Their civilization, their culture, their educational and religious advancement, their traditional cult of non-violence have won admiration all the world over. Therefore, I say, there is nothing particularly offensive or perverse in the soil of Bengal and I say that it is not without any particular reason that there should be recrudescence of terrorism there rather than in other provinces. In Bengal, again, all districts are not equally affected. There is always a certain proportion between the degree of repression and the degree of terrorism. The greater the repression, the greater the terrorism. Indeed, they act mutually as cause and effect. Take the several districts of Bengal. You will find that terrorism has thrived most in those districts where repression was the greatest. Chittagong, Midnapore and Dacca may be cited in support of my contention. So far as Midnapore is concerned, the repression was the greatest there during the Civil Disobedience Movement. Mr. Griffiths is not here, otherwise, I am sure, he would have borne me out that repression was ruthless in the district of Midnapore, and that explains, Sir, that terrorism is greater in Midnapore than in many other districts. I have not yet fully explained why terrorism came first in Bengal. Bengal received the first and foremost shock in the struggle for freedom. It was in Bengal where the movement for political emancipation was first started. The Swadeshi movement was started there, the boycott movement was started there, and in fact, Bengal gave the signal, and the battle for freedom began in India.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : I rise on a point of order, Sir. I find that neither the Home Member nor

the Home Secretary is in his seat. Is it fair to this House, when a debate of first class importance is going on, that the Department should be unrepresented? We know that it makes no difference whether they are here or not.

An Honourable Member : The Leader of the House is here.

The Honourable Sir Nripendra Sircar (Leader of the House) : Is there any rule that all of us should be here when we know that the discussion will last another three days and when we know perfectly well that whatever has been said will be reported to the Home Member. The Home Member will be here in a few minutes.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member in charge of the motion ought to be here.

The Honourable Sir Nripendra Sircar : As a matter of fact, the Home Member will be here in a few minutes.

Mr. S. Satyamurti : Even the Home Secretary is not here.

The Honourable Sir Nripendra Sircar : From Secretaries up to chaprassis are not wanted.

Mr. S. Satyamurti : So the Honourable Member puts Secretaries and the chaprassis in the same category!

The Honourable Sir Nripendra Sircar : The Honourable Member seems to be carried away by enthusiasm. The Secretary of the Home Department is a Member of the Council of State, and not of this House.

Mr. S. Satyamurti : There is just one gentleman sitting behind the Home Member. I do not know who he is.

The Honourable Sir Nripendra Sircar : They are all gentlemen. The gentleman sitting behind the Home Member is not the Home Secretary.

Mr. Akhil Chandra Datta : Is it the case of the Honourable Member that Secretaries are merely chaprassis?

The Honourable Sir Nripendra Sircar : If that is your construction, by all means please yourself.

Mr. Akhil Chandra Datta : I was just now speaking, Sir, of the beginning of the battle for freedom in Bengal. I was saying that at first it was a constitutional fight.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr. Abdul Matin Chaudhury one of the Panel of Chairmen].

Mr. Chairman, it was at first a constitutional fight, but the bureaucracy would not tolerate it. Sir, after the partition, the Bengal Provincial Conference was held at Barisal, but that was broken up by Regulation *lathis*. I happened to be in that Conference. The breaking up of that Conference led to the appearance, for the first time, of terrorism in my province. Repression brought terrorism in its train. I still remember the feeling of discontent and resentment with which even the most moderate leaders of the province returned from Barisal after the forcible dispersal of the Conference. Sir, I still remember those words uttered by

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the veteran leader, Mr. Bhupendra Nath Basu, after the dispersal of the Conference. The words are still ringing in my ears. Mr. Basu said :

“ The days of constitutional government are over, the days of police rule have dawned.”

Now, all this was too much for the youth of the country. The old people continued their old methods of constitutional agitation, but the impetuous youth of Bengal, noted for their national trait of emotion and imagination, yielded and succumbed. In tracing, therefore, the history of the revolutionary movement in Bengal, one cannot forget the breaking up of the Barisal Conference. Now, Sir, while dealing with this aspect of the question, I mean the development and continuance of terrorism in Bengal, may I invite the attention of the House to the views expressed by one who is not an occupant of the Opposition Benches, but by one who now occupies a seat as the Honourable the Leader of the House, I mean the Honourable Sir Nripendra Sircar

The Honourable Sir Nripendra Sircar : You won't find there anything to support your view.

Mr Akhil Chandra Datta : At one place, Sir Nripendra Sircar said :

“ Nothing can be a sure guarantee for filling the terrorists with well-founded hope arising from the creation of an atmosphere favourable for their activities. The Hindus will be justified in feeling that serious injustice has been done to them, and the belief that they cannot have their legitimate share or an effective voice in the Legislatures will be a formidable recruiting agency for swelling the ranks of sympathisers of terrorists.”

Then, at page 152 of this book, called “ Sir N. N. Sircar's Speeches and Pamphlets ”, we find that when he was cross-examining Mr. Villiers, the President of the European Association, in London, he put this question :

“ Am I right in saying that, judging by the members of the movement who have been captured from time to time by these officials, their view is probably this, that the present condition of difficulties is due to a foreign rule, and, therefore, foreign rule must be cut off altogether ”

That was the question. I am not sure whether there was not some implication and suggestion conveyed by the question and it was not without purpose. The answer was :

“ So far as it is due to any reasoning thought at all, it is definitely due to that. In a great measure, these boys are caught while they are absolute youngsters, and their emotions are worked on until they get into a state of hysteria over a matter which is right beyond the scope of reasoning at all, but so far as reasoning comes in at all, you are correct in your statement ”

Meaning thereby the statement contained in the question.

Another question was like this :

“ Do you think that, if the Bengal Hindu would come to the Legislature, and try to work out his salvation through it, that would result in weaning sympathisers of terrorists, and isolate the terrorists ? ”

The answer was this :

“ I think in time that will undoubtedly be the tendency, but I think it will take a certain amount of time.”

Then, there is another question :

“ May I take it that it follows that if the Bengal Hindus feel that they have a legitimate grievance, and they keep away from the Legislature, knowing their position, and so on, it will really help disturbance and the terrorist movement in Bengal ? ”

The answer was this .

“ Any feeling of legitimate grievance on the part of the community would have that effect, so far as that community is concerned. ”

Then, Sir, in another place, the Honourable Sir Nripendra Sircar says this :

“ At first sight, no connection may appear between the financial settlement and the terrorist movement ; but looking below the surface it is fairly obvious that dyarchy failed in Bengal and general discontent and unrest increased, because the Ministers, having no available resources, were unable to achieve anything in furtherance of the beneficent activities of Government ”

The Honourable Sir Nripendra Sircar : Quite right.

Mr. Akhil Chandra Datta : My Honourable friend says, it is quite right. I also have cited these passages to show that he is quite right and what is right is this that this terrorism is being developed and food is being supplied to these terrorists by what has been suggested in these questions by the Honourable Sir Nripendra Sircar, namely, the injustice done to the people

Now, Sir, that is about Bengal. I shall not speak as to the root causes of the terrorist movement in the Punjab. I shall, however, say only this that, as in Bengal, the partition gives the explanation, so, in the Punjab, it was the Jallianwalla Bagh massacre which brought into existence the terrorist movement there. In this connection, may I call the attention of Honourable Members of this House to the attitude of Mahatma Gandhi with regard to the question of the massacre of Jallianwalla Bagh ? Immediately after this massacre, that very year in the December following, there was the Amritsar Congress, and, only a few days before the Congress, the reforms had been published. The question before the Congress was whether those reforms were adequate and satisfactory and whether they should be worked. There was a controversy and difference of opinion between the leaders, and the attitude of Mahatma Gandhi was that they should be worked. He was for co-operation as he had all along been ; in fact, he had been even a recruiter. That was the position of Mahatma Gandhi at Amritsar in December, 1919. The other leaders were of a different opinion. However, there was some settlement between the leaders, and a resolution was passed to the effect that the reforms were inadequate, unsatisfactory and disappointing. Mahatma Gandhi was waiting at that time for the report of the Hunter Committee about the Jallianwalla Bagh massacre. That report was published not very long after in the course of the year and that disillusioned Mahatma Gandhi, and the result was that from a co-operator he became a non-co-operator. That was the result so far as Mahatma Gandhi is concerned. His attitude was influenced by the massacre and by the official attitude with respect to this massacre. But younger people went a little further ; they not only became non-co-operators, but went one step further, and some of them became terrorists. This being the true genesis of the revolutionary movement, I say with regard to this Bill that the proposed legislation is the

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remedy of a quack, not that of a real physician, and it is bound to frustrate its own object. This, however, is no matter for speculation, but the very fact that this repressive legislation failed in the past for so many years to crush the terrorist movement, and the very fact that it is now proposed to have a permanent emergency legislation (if it is not a contradiction in terms), goes to show and is in fact a confession that repression will not do. Repression will not do and other measures must be adopted to meet the situation. Repression may prevent major crimes and overt acts for a time as it has prevented major crimes, for we have been told that there has been no major crime for some time past in my province, but it cannot purge the body politic of the poison.

Now, Sir, the Honourable the Home Member has told us in his speech in support of his claim that the measure should be made permanent,—that what he ardently desires is a change of heart on the part of the terrorists. I wonder, Sir, if he really and sincerely believes that the drastic measures proposed in this Bill are really calculated to bring about a change of heart on the part of the terrorists. I do not believe that he believes it. If, however, he does really and sincerely believe that these are measures which will bring about a change of heart, I must say that I cannot credit him with much of imagination and much of knowledge and insight into human nature and human character. So if really that is a *bonâ fide* excuse that, in order to fight terrorism, these measures are necessary, I say it is bound to fail and I cannot support this measure on this ground.

That, Sir, is about terrorism ; then, there is the question of communalism. One word about terrorism, however, I will say here. It appears that a certain Bill has been introduced recently,—I do not remember exactly if it has been passed,—in the Bengal Legislative Council, the Bengal Public Security Extending Bill of 1935.

The Honourable Sir Nripendra Sircar : It has been passed without a division.

Mr. Akhil Chandra Datta : That is a Council from which Dr. Banerjee and myself came away after the Lahore decision, leaving the field to people whom I shall not describe or characterise. In the Statement of Objects and Reasons, it is said :

“ The Act was passed to confer special powers on the Local Government to enable it in case of emergency to combat activities subversive of law and order or prejudicial to the public security for the suppression of which the ordinary powers of the Government are inadequate ”

Then follows a statement which is very significant and very important. It is said :

“ That such activities may recur is by no means impossible, and the Local Government is of opinion that it would not be prudence to allow the preventive powers conferred by the Act to lapse.”

Here is an admission by the Government of Bengal that the subversive movement has almost died out : but it is said in justification of that measure “ that such activities may recur is by no means impossible ”. That is the position. On the mere possibility that in the future there may be a recurrence—

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the word is "recur"—of the activities—I say it follows by necessary implication that such activities may not also recur. That is the position with respect to the movement of terrorism. As has been admitted, times out of number, in this House, the position has improved and improved considerably. Under these improved conditions, we are asked to give our assent to the Bill to fight the movement of terrorism.

The next ground on which it is sought to justify this Bill is the third menace of communalism. To be frank, I have been requested by the Honourable the Leader of the Opposition not to dilate upon this point, because he will deal with it, and, I dare say, he will deal with it far more ably than myself; and, therefore, out of respect for him, I shall not deal with this aspect of the question. But I am anxious to prove one thing, namely, that whatever communal feuds and dissension there is—I am now speaking of my own province, Bengal,—all that had been engineered and brought into existence, fostered and fomented by a third party.

An Honourable Member : What is that third party ?

Mr. Akhil Chandra Datta : You know that third party.

Another Honourable Member : It is before us.

Mr. Akhil Chandra Datta : There was a riot at Chittagong immediately after the murder of a certain police officer. Mr J M Sen-Gupta, whose premature death the whole country mourns, went to Chittagong and made an inquiry. After the inquiry, he came to Calcutta, and, in a meeting held in the Town Hall in Calcutta, he declared substantially to this effect :

"I say I take the full responsibility of making this statement. The riot in Chittagong was engineered and brought about by the local authorities. Here am I. I make this statement openly. I am prepared to prove it, and if the Government like they can prosecute me and put me on trial."

That was a challenge which was never accepted. So that we are perfectly entitled to assume and to proceed on the assumption that the Chittagong riots were the result of the intervention of a third party. Then, there was rioting at Dacca in May, 1930. With regard to that, there were two committees which made inquiries simultaneously about the causes of these riots—one an official committee which was presided over by Mr. Sachse. The report of that committee never saw the light of day. The reason for non-publication is significant and obvious. There was another committee, a Congress Committee—my humble self was the President of that Committee. We used to meet each other. The evidence that was forthcoming before us, with regard to those riots, was this : that it was brought about by that very same third party. A meeting was held on the night preceding the riots, in the house of a Muhammadan gentleman, where the local officials discussed about the coming riots, and Mr. Griffiths was there—I know that one Mr Griffiths of the Indian Civil Service was the manager of the Dacca Nawab at that time. (*Cries of "Shame, shame"*.) I do not know whether the Honourable Member from Midnapore was that Mr Griffiths. But, why, I am sure, he was the gentleman; and I thought and hoped that, while he was speaking on communalism, he would throw more light on the real state of affairs at Dacca. I do not know whether he himself was present and whether he had a share in the matter; but the evidence that I got as a

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member of that Committee, was that he was also present at that meeting ; and here he is now, after coming to the Assembly, preaching a homily on communalism and all that. It does not lie in his mouth to make this assertion. . . .

An Honourable Member : Nor in the mouth of his chief !

Mr. Akhil Chandra Datta : With regard to these Dacca riots, I know from a reliable source that, just before the riots, two or three days before the riots, the Government officials had been told by some people, by higher officials, that they should make purchases of provisions for two or three or five days, because they were told that rioting would be going on for some days. Guns, revolvers and arms were taken away from the Hindus before the riot began. A high official, occupying the position of an additional District Judge, gave his evidence before the Sachse Committee. He deposed to the effect that looting was going on before his eyes : that the police were taking part in it, that he phoned again and again to the Superintendent of Police and Magistrate ; for three days it went on and he phoned and phoned, but without any response, and no police appeared. That is the story of the Dacca riots. There was a Hindu-Moslem riot in Comilla. There, again, I have the same story to tell. I shall tell only what I know from my own personal experience. I must admit to our shame, the shame of the Hindus as well as the shame of the Muhammadans, that there was that riot. That must be admitted. But the point that I am making is that they did not fight on their own initiative. That is the whole point. Some people were assaulted : there was one man, Baikuntha, whose head was broken : I went myself with some of my friends with that broken head to the District Magistrate. Honourable Members of this House will be staggered to hear the reply that I got from the District Magistrate : he said " Why do you come to me ? Go to Mr. Bepin Chandra Pal." (*Cries of "Shame"*) Then, there was also the Divisional Commissioner who came. We wrote to him for giving us relief for preventing the whole thing. He would not take any notice of these things. Later on, some days after, there was a meeting of officials and non-officials : in the open meeting, we took the Commissioner to task for not taking any action when these things were brought to his notice. We said " You came here from Chittagong on such and such day ; we wrote to you on that day ; but you did not take any notice " He said at first : " Oh, I did not come on that day : I was not here." Then, one of our friends got enraged and said : " You did come here on that day : you were here." After receiving that snub, he said : " Well, I might have."

Then, Sir, I do not propose to dilate at length on the Mymensingh incidents. Mr. G. S. Dutt was the District Magistrate there. He tried his best to prevent all communal riots, and what was the result ? He was soon transferred. (*Cries of "Shame, shame"*) Then came another District Magistrate in his place. He went to the Bar Library and gave an assurance that there would be no Hindu-Muslim rioting. Almost immediately after that assurance was given to the Bar Library, there occurred one of the worst Hindu-Muslim riots in the district. There was one poor Sub-Divisional Magistrate who went and controlled the rioting, and what was the result ? Like Mr. G. S. Dutt, he was also immediately transferred. (*Cries of "Shame, shame"* from Congress

Party Benches.) Then what followed ? A proposal was made by a certain Muhammadan gentleman, I think he was the Public Prosecutor, for the formation of a reconciliation board to meet the situation. It was proposed to Mr. Som, who is now a Member of this Assembly, that he should be a member of the reconciliation board. What was the reply of Mr. Som ? He said : " Well, I am in possession of information and evidence that the District Magistrate and the Superintendent of Police are engineering these things through and in concert with you. You ask me to be a member of a committee in which you are taking a leading part " ? That was the reply given by him in the open library. The House will be interested and pained to hear what followed the next morning. On the following morning, Mr. Som was arrested (*Cries of " Shame, shame "* from Congress Party Benches) on the ground that there was a meeting held there some days before in which Mr. Som had taken part and talked about picketing, and, therefore, he was arrested and put on trial. The trial went on for some time, I think it went on for some days, and he was kept in *hajat* lock-up), and from the jail to the Court room, the House will be astonished to hear, Mr. Som used to be escorted handcuffed and roped. (*Cries of " Shame, shame "* !) (*An Honourable Member* . " Disgraceful. ") (*Another Honourable Member* : " It is no surprise to hear it. ") Sir, I am reminded of the fate that overtook Mr. Nagendra Nath Sen, the Leader of the Khulna Bar, because he was also handcuffed and roped. There is another youngman of Comilla who received the same treatment. His father is a Member of this House now,—I shall not name him. Now, Sir, all this reminds me of a certain observation of the late Swami Vivekananda. He said that some people, after creating the disease, try to cure it ; it is the habit of some people to have a lavatory just by the side of the bedroom and then call for the physician to cure typhoid. Therefore, Sir, these provisions in the Bill are no cure for communalism. On the other hand, we say " Physician, heal thyself " ; if you heal thyself, if you refrain from fostering and fomenting communalism, communal rioting will vanish from this land in no time. (Cheers.)

Then, Sir, I need not weary the House of emphasising the importance and liberty of the press. Sir, I think it was the dictum of Lord Russell, one of the most famous Judges of England who said that liberty of the press is nothing more or nothing less than the liberty of every subject of His Majesty. In fact, a free press is the rock of people's liberty, and, therefore, an attack on the liberty of the press is an attack on the liberty not only of the press, but on the liberty of the whole nation. The press is regarded as the fourth estate, one of the four pillars of the State, and if there is any encroachment on the rights of the press, no patriotic Indian can give his support to the measure.

It is said that responsible Government is coming. Now, responsible Government and a muzzled press are contradictory in terms. I am not here to attribute any sinister design, but who knows that this muzzling of the press is not a counterblast to the coming reforms ?

An Honourable Member : It is.

Mr. Akhil Chandra Datta : Where there is responsible Government, there must be a free press and, without a free press, how will you educate the electorate ? 14 per cent of the total population of this country is going to be enfranchised, and we must educate the electorate, and that

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is the function of the press. Now, what is the case of the Honourable the Home Member with regard to the press legislation? He has got a very ingenious head. His case is this. There were no repressive laws or special laws with regard to press in the years 1922 to 1930. During this period, there were no special press laws, and the result, according to the Honourable the Home Member, was,—inflammatory writings of the worst description in the press in praise of terrorism and terrorist murders and also incitement to communal dissensions. That is his case. This is one aspect. The other aspect is that in 1926 and 1927 there were communal riots,—there were communal riots in 1926 in Calcutta, and in 1927 there were communal riots in Lahore. On these two premises, he comes to the conclusion that the first Press Ordinance of the year 1930 was the result of these inflammatory writings and communal riots. Now, Sir, I am afraid the Honourable the Home Member thought that the Members of this House are what is called a common jury of shopkeepers to swallow anything that may be told to them. Are we to believe, Sir, that if the press was indulging in such inflammatory writings, not for one month or for one year, but from year to year for a period of eight years, that the Government had abdicated their functions and remained silent without taking any action whatsoever? Either his statement is true, or it is false. If it is false, then the whole case of the Honourable the Home Member goes. If, on the contrary, his case is true, namely, that for eight years all these things were going on, and the Government had taken no steps whatever to check those things, then I say that the Government were guilty of abetting by omission. The fact really is that the Press Ordinance of 1930 had nothing to do with the alleged inflammatory writings and communal riots of those days. That was obviously the result of the Civil Disobedience Movement of 1930. That is the sort of reasoning indulged in by the Honourable the Home Member in order to prop up the repressive press legislation. The whole question that the House has got to decide is this. Was the Ordinance of 1930 the result of the Civil Disobedience Movement of that year, or was that the result of the riots of 1926 and 1927? The emergency occurred in 1930, and reference is made to what happened five or six years before 1930. That is the sort of logic followed by the Honourable the Home Member. The Honourable Member, in his speech, has quoted the authority of the Local Governments; among others, and more remarkable still, he has quoted the authority of the Punjab Government. In this connection, we have to remember that at that time the Home Member was in the Punjab Government. I do not know who drafted those reports of the Punjab Government which have been quoted *in extenso* by the Honourable the Home Member in his speech (*An Honourable Member* "Himself.") I only hope that it was not a case of from Philip Drunk to Philip Sober.

The Honourable Sir Nripendra Sircar : Which is the drunk period and which is the sober period? (Laughter.)

Mr. Akhil Chandra Datta : Now, Sir, in support of his case, the Honourable the Home Member has quoted a Bihar paper. He was asked to give the name of that paper, but he would not give the name. I had always thought that Government were unwilling to give out the names of their informers and witnesses in a certain type of cases, but I never

knew that there was any difficulty in giving the name of a newspaper which has published the extract and from which publication the Honourable the Home Member was quoting in support of his contention

The Honourable Sir Henry Craik (Home Member) : Is the suggestion that I invented the quotation ?

Mr Akhil Chandra Datta : But the fact remains that, in spite of the request from this side of the House, the name was not given.

The Honourable Sir Henry Craik : You really want to know the substance of the writing

Mr. Akhil Chandra Datta : Sir, what is the substance of the thing that he has given us from that writing ? One of the sentences which has been quoted from that unnamed, undisclosed Bihar paper is : " Burn every house." I do not know whether that is the doctrine of the civil disobedience resister, or the doctrine of the terrorist, or of the Communist, or of the communalist (*An Honourable Member* : " Or of the bureaucracy.") The Honourable gentleman from Midnapore has quoted two papers, the *Mukti* and the *Swadhinata*. These are papers which are hardly known to our people. Has he quoted any daily papers, weekly papers, respectable papers commanding very large circulation all over the country in different provinces and in different cities ? Has the Honourable the Home Member, or, for the matter of that, Mr. Griffiths, quoted anything from any of those papers in support of their case ? One line has been quoted from the *Advance*. What is that line after all ? It is said there, " Dauntless Dinesh dies before dawn ". Is it seriously suggested that that is an incitement to terrorism or that it is making a martyr of him ? There should be a certain sense of proportion in making such suggestion or allegation. Mahatma Gandhi has been quoted, and we are glad that he has been quoted. But Mahatma Gandhi has said this also with regard to the Midnapore murder. He said :

" I deeply deplore the assassination of the Midnapore Magistrate, but, at the same time, it is impossible not to regret that the rulers do not only not redress the wrongs that lead to such assassinations, but insist on ruling by counter-terrorism, which the Ordinances undoubtedly mean "

Will the Honourable the Home Member, who quoted Mahatma Gandhi from *Young India*, take note of this also ?

As regards the press, I want to say a word about the Press Conference which was recently held in Calcutta under the presidency of no less a person than Mr C. Y. Chintamani of Allahabad, an *ex*-Minister, and a member of the Liberal Party, and whose views are always known to be very sober and very moderate. There was the editor of the *Hindu* who was also a party to that. He was not himself present, but he sent his representative. I believe that the *Hindu* is one of the friendly papers. (Laughter.) That was mentioned by the Honourable the Home Member the other day. Then, there was that grand old man of Calcutta, Mr. Ramananda Chatterjee, who was present at that Conference. Here is the resolution passed at that Conference with respect to this legislation now before the House :

" The All-India Journalists' Conference is gravely concerned by the reported intention of the Government of India to renew the Criminal Law Amendment Act, 1932, which includes the Press (Emergency Powers) Act, 1931, in a more objectionable form. The Conference is emphatically of opinion that these Acts of 1931 and 1932 as well as the Indian States Protection Act and the Bengal Criminal Law Amendment

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Act, 1934, are utterly incompatible with the legitimate freedom of the Press and the fundamental right of free expression of opinion and strongly urges that none of these Acts should any longer be retained on the Statute Book."

It is really a pity that Government would not take any notice of such a representative opinion about the proposals which we are now discussing. As regards the grievances, particularly of the Bengal Press, my Honourable friend, Pandit Krishna Kant Malaviya, has already described them, and I should not like to repeat them. But just one word about the requisition of security. A distinguished Judge of England said :

"Liberty of the press consists in printing without previous license, subject, however, to the consequences of the law."

That should be the rule.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) resumed the Chair.]

As regards the abuses of the special powers under the Press Act, I am afraid, the time at my disposal does not permit me to go into details. It remains for me to make a few observations as regards the manner in which repressive legislation is administered specially in my province. The grievance is two-fold. In the first place, the law is arbitrary and, in the second place, it is arbitrarily exercised. I do not think anybody can challenge the fact that there is literally a reign of terror just now in Bengal. It is impossible to hold a meeting even for the death anniversary of Mr. C. R. Das. There is more police coming in than there is audience. Once some ladies met in my house in Comilla for offering prayers on the occasion of Mahatma's fast. That was the whole thing and would you believe it that for two or three days police came one after another and asked what was going on. After all it was nothing more than a meeting of about a dozen ladies. Life has become intolerable in these circumstances. As regards the manner in which this law is administered may I refer to an incident which happened in Sylhet. There was a peaceful procession. There was no order passed prohibiting the procession. In that procession, there was the leader of Assam, Mr. Brijendra Narayan Chowdhury. In that procession, there was another gentleman who happens now to be a Member of this Honourable House, Mr. Basanta Kumar Das. The police came in and began to assault the leading people including Mr. Chowdhury, who was then the Deputy Leader of the Congress Party in the Assam Council. My friend, Basanta Babu, was also not spared. He received his share of the beating. (*Cries of "Shame, shame!"*) I will give you another instance. There was one gentleman of the name of Girish Chandra Nag, who was an *ex*-Member of this House. He was an elected Member from the Surma Valley constituency. He was the predecessor of Basanta Babu. There was a search made in his house at Dacca on the suspicion that his gifted daughter, Miss Lila Nag, an M. A., known all over the province for her beneficent activities in the educational line, had something to do with some movement. His house was searched, and would you believe it, an old gentleman, a retired Deputy Magistrate and a Rai Bahadur, was assaulted by the police officer for no reason whatsoever in his own house in the presence of his wife and sons? His furniture, his almirah and library were broken. (*Cries of "Shame, shame!"*) He was personally assaulted, although there was no charge against him at all. Only a search was made with regard to something about his daughter.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member should not go into the history of all these old cases.

Mr. Akhil Chandra Datta : I want to show, how the executive are administering the law as it stands, and how can you possibly give more power to that executive. That is the point that I want to make. As regards the manner in which notices are served, I shall give one instance as to how notice was sought to be served on a man who had died long ago. This is the statement made by Mr. Sarat Chandra Bose who communicated this to the Government when he was a State Prisoner. The incident which happened in Dacca was reported in three Calcutta papers and the report was not contradicted by the Government of Bengal. This is the statement :

“ On Monday last, the police went to the house of Sreejut Harendra Kumar Ghose, retired Deputy Magistrate, living at Rajar Dewry, Dacca, and enquired of his son, Anil Kumar Ghosh. The police said that an order under the Bengal Suppression of Outrages Act was to be served on Anil. The police were, however, informed by the inmates of the house that the boy had died 15 months ago, in the month of Baisakh last year. The police then returned puzzled ”

This is the way in which the Act is administered in my province. I should like to mention two other instances to prove that the information in the possession of Government is not infrequently incorrect. We are always told : “ You people have got no information. We have lot of information in our possession, but we are not at liberty to disclose it like the Bihar paper.” We have two cases showing the value of the information possessed by the Government and the Police Department. One is about informer Ram Chandra Bania. He planted a revolver in the house of one Ram Prasad Bhakat in Calcutta and informed the police. It led to the arrest of the inmates, and, later on, they were discharged, and that man was sent for trial for giving false information, with the result that he was convicted and given two years by the Presidency Magistrate of Calcutta for possession of a stolen six chamber revolver without license. That was only the other day in September, 1935. There was another recent case in the district of Midnapore. There were three informers who, in April, 1935, planted six bombs underneath a plantain grove in the garden of one Hari Setna and informed the police. The police came, found the bombs and arrested the inmates of the house. Later on, these informers were prosecuted for giving false information. The findings of the trying magistrate were :

- (1) that one informer purchased potassium chlorate and another purchased arsenic sulphate. These were the explosives found in the bombs ;
- (2) that the bombs were prepared by the informers themselves ; and
- (3) that a letter found with the revolver was written at the dictation of one of the informers.

These two cases have revealed a serious and disgraceful state of things

The Honourable Sir Nripendra Sircar : Who prosecuted the informers ?

Mr Akhil Chandra Datta : Even that much of credit for honesty the Honourable the Leader of the House does not appear to give to the execu-

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tive. I must gratefully acknowledge that in these two cases the police officers did their duty. But who knows, Sir, while you give me thanks, will you answer this question—who knows how many cases there are, undetected cases, how many people have been arrested and sent to jail on the information of such informers? Now, Sir, here is a **general description** of what is going on in that part of the country. “Various kinds of strange orders are passed by the District Magistrate.....” Thus, some one is asked not to leave his home and a specified area, some not to enter a particular school or to associate with students, and some not to leave home from sunset to sunrise. Now, what happened? As a result of all this, students were compelled to withdraw from the schools where they were reading and to sit idly with their own parents in their own villages. As the times of sunset and sunrise were not definitely mentioned in these notices, some of the boys were easily prosecuted and convicted, and they had no watch or clock in their respective homes, so as to know the time of sunset every day. House searches and prosecutions there were many in connection with so-called objectionable literature. There have been extensive house searches from village to village, and some houses were searched half a dozen times. People were prosecuted and convicted for keeping so-called objectionable leaflets, even for keeping some pictures and even including Mr. Sen Gupta’s address as the Chairman of the Reception Committee of the Calcutta Congress. Now, not only did the police commit excesses, but there came in the military also. Soldiers paraded from village to village, and so-called suspects—teachers, students, etc,—were compelled to march with them or to run for considerable distances. In many places, even old men had also to share the same fate. Sometimes boys were made to swim for hours together. (*Voices*: “Good! good!”) In one case, a distinguished Head Master in the district of Noakhali was restrained by the District Magistrate from entering his school or associating with his students, with the result that the poor teacher lost his job. And, what was the reason for that? He was asked by Mr. Hant, the military intelligence officer of Noakhali, in his letter dated the 22nd October, 1934, to help a certain C I D. officer in his work which the Head Master did not like to do, and, therefore, the above strange order was passed upon the Head Master. Now this is what is going on there! This was in Noakhali, but I know all these remarks apply equally to all the districts.

Now, Sir, I am afraid I am tiring the patience of the House and should not like to continue. (*Voices*: “No, no, go on.”) The position, therefore, at the present moment is this. There is peace on our side, but war mentality on the other. The Civil Disobedience Movement has been suspended, and, at the present moment, the situation can be described like this. There are no riots or other disorders; there is no murder, there is no campaign of a no-tax movement. Admittedly, there is no boycott of men, no social boycott, either of Government servants or of the supporters of the Government. There is no boycott of Courts, there is no picketing, there is no interference at all with the administration of law and order and the law Courts. There is no intimidation. Now, if that is the position, Sir, it is very difficult to understand why at all these provisions should be retained, much less they should remain permanent. Now, Sir, our position is this. If you want to kill the national consciousness, do it by all means, but we cannot be a party to it,

and we won't be a party to it (Hear, hear.) You can kill us, but we cannot commit suicide ourselves. Therefore, we cannot bless your Ordinance Bill, and we won't sign our own political death warrant. Sir, I oppose the Bill. (Loud and Prolonged Cheers.)

Mr. A. K. Fuzlul Huq (Bakargunj *cum* Faridpur : Muhammadan Rural) : Sir, I had not the privilege of listening to the speech of the Honourable the Home Member when he introduced his Bill but I have had the opportunity of reading his speech, with the added advantage that I have been able to bring my considered judgment to bear, not merely on the provisions of the Bill, but also on the speech which the Honourable Member delivered in its support. Sir, having considered the position carefully, I regret to have to say that I am constrained to oppose this Bill. (Hear, hear.) Sir, before I proceed to make my observations I wish to say something by way of a personal explanation. It is not enough to say that I have had personally nothing to do either with terrorism, communalism or Communism. No one amongst ourselves, even most distantly related, has ever been either a terrorist, a Communist or a communalist ; and although I am a very insignificant Member of this Assembly (*Voices* : "No, no"), it has been my luck to occupy more or less responsible positions in public service and in public life. (Hear, hear.) It is, therefore, no pleasure to me to be constrained to join my voice with that of the Opposition and, if necessary, to vote against the measure that has been introduced in this House. Sir, I have been obliged to take this step from a supreme sense of responsibility. I will not indulge in quoting any facts and figures but I will illustrate the remarks I am going to make by quoting certain instances within my own personal knowledge in order to convince the House that measures of this kind not only defeat their own object but are often misused and abused in the most extraordinary manner (Hear, hear.) No one disputes the proposition that in all civilized societies legislation is not only necessary but even desirable in order to restrict the activities of individuals so as not to interfere with the rights and privileges of others or of the society as a whole. No one, for instance, in his senses can quarrel with the Penal Code or the Criminal Procedure Code or any of the codified law of the country which is meant not merely for the protection of the individuals but for the protection of the society as a whole. But when Government wants to introduce an extraordinary measure of a more or less repressive character, the burden lies heavily on the Member who seeks to introduce that measure not merely to prove that that legislation is desirable but that it is also necessary. I will presently show that judged from that standard the Honourable the Home Member has failed to discharge the burden that lay on him and, therefore, the Bill that has been introduced cannot, on any account, be supported.

Now, Sir, I contend, in the first place, that this Bill is wholly useless and unnecessary. It is said that there are terrorist activities and that they have got to be suppressed and put down. But, Sir, even if there are irresponsible writings in the press, it cannot for a moment be contended that these writings of themselves generate anything like terrorism or anarchism or that they incline peaceful people to take to terrorism or anarchism. The European community in India, for instance, are most devoutly attached to the Government. Naturally they should be so. But supposing some Anglo-Indian paper were to indulge in violent writings, inciting to terrorism and sedition, I do not think the Europeans would for

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a single moment waver in their loyalty or be misled by any writing of that kind. The reason is obvious. In order that seditious writings or writings encouraging terrorism or anarchism can have any effect, the ground must already be prepared and it is only when the poison falls on congenial soil that evil results are expected to ensue. Now, I contend that at the present moment there is a good deal of disaffection in India. The reason is not that there have been writings in the press but I contend that it is persistent mal-administration that has driven the non-violent people into the folds of those who are disloyal. The voice of the people never finds anything like a hearing from the bureaucrats. They go on in their own way full of the belief that they know everything and that their wisdom knows no bounds, that whatever they do is right and they take steps which generally lead them to disastrous consequences. Now, Sir, I was saying that measures of this kind are generally abused. I will cite two instances, one relating to the Criminal Law Amendment Act and the other relating to the Press Act. Some time ago a certain Subdivisional Magistrate, whom I shall not mention by name at the present moment, trespassed into a mosque with shoes on. The Muslims vehemently protested and they appealed to the Collector and to the Commissioner but without any effect. I went over to that place personally and made certain inquiries and I was personally convinced that the allegations made against the Subdivisional Magistrate were correct. I wrote to the Commissioner and I telegraphed to him asking for an inquiry or at least for an interview and I am sorry to say that he had not even the ordinary courtesy to reply to my letter or telegram. On the contrary, he went away to Darjeeling and from there the Government wrote to one of my friends, not to me who was moving in the matter, that Government are in close touch with the situation. The accident happened somewhere about 500 miles away from Calcutta, the entire Government was then at Darjeeling and we were told that the Government were in close touch with the situation. However, we had to compose ourselves to this state of affairs. Suddenly, the Subdivisional Magistrate lodged a complaint against certain persons who had published an account of those occurrences in the columns of a Calcutta paper and asked the permission of the Government to prosecute them under section 6 of the Criminal Law Amendment Act. Now, these gentlemen had only published in the newspaper an account of what had happened, and the result was that section 6 was invoked in order to prosecute those persons, one of whom happens to be a member of the Bengal Legislative Council. We asked the District Magistrate to drop the proceedings and we pointed out to him the Statement of Objects and Reasons of the Criminal Law Amendment Bill when it was introduced in 1932. He paid no heed to what we said and ultimately we moved the High Court. The matter is still *sub judice* and I cannot say anything further on that point. I am giving only one instance to show how the Criminal Law Amendment Act is sometimes used by the executive in this country.

Then, Sir, as regards the Press Act. We all know that there is a certain official called the Press Censor, whose duty it is to keep a watchful eye over the writings in the press. That may be his ordinary function but he thinks that he has got the authority and the jurisdiction to interfere in other matters as well. At one time, not very long ago, there was a proposal of the Government of Bengal to abolish a certain Muslim hostel in

Calcutta. We protested against that, because the cost to the Government was only Rs. 3,000 a year and the abolition of that hostel would have meant disaster to a large number of poor Muhammadan boys. We found that the Government would not listen to us and we arranged a public meeting to be held and we invited representatives of the press to be present there and to publish the proceedings. The House will be surprised to hear that the Press Censor immediately issued a mandate to all the newspapers not to publish the proceedings of our meeting and even forbade the representatives of the press to be present at our meeting. This is how the Press Censor carries on his duties in order to see that the Press Act is regularly acted upon and regularly obeyed. I submit that these repressive Acts may be well meant and it may be that the Honourable the Home Member, with the best of intentions, has introduced this measure in this House. But I submit that if the executive officers, with whom lies the actual working of the Act, act in this irresponsible manner, where is the guarantee that these Acts would not be abused and the purpose for which they have been passed would not ultimately be frustrated?

There is just one point to which I will refer before I finish. Since the year 1910, efforts have been made to pass various Acts in order to put down terrorism, anarchism and Communism. Has any attempt been made to find out the root cause of this anarchism, terrorism and Communism? I say no attempt has been made. A faint voice says, "yes"; but I say that no attempt has been made to find out the root cause. Sir, if there is headache, the only remedy that the Government can propose is to cut off the head in order to get rid of the headache. Is that the way to eradicate the disease?

Mr. F. E. James (Madras - European) What attempts did you
4 P M make to eradicate this evil of terrorism?

Mr. A. K. Fuzlul Huq : I was not given a chance at all.

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh Muhammadan Rural) - How many repressive laws did you support while you were a Minister in Bengal?

Mr. A. K. Fuzlul Huq : I do not think the pages of the proceedings of the Bengal Legislative Council can show a single instance where I supported any repressive measure. (Applause)

Mr. Sri Prakasa : If you had done so, you would have been knighted.

Mr. A. K. Fuzlul Huq : Now, Sir, what I am submitting to the Honourable House is this; it is no use tinkering with the situation. I say India at the present moment is seething with discontent and that too for a very good reason. The reason is that the bureaucracy is carrying on the administration so as to impoverish the country. The Government are carrying on their work in a most irresponsible manner. They never care how they spend public money. The result is that the youths of this country become inclined to listen to writings in the press which may even distantly suggest terrorism and anarchism. The same thing would happen in any country. Supposing the Indians were to conquer England and supposing the Indians were ruling England. Supposing the Indians as the conquerors had introduced a mock parliament in England and had got hold of the treasury. Supposing the Indians were to send out all the money from England to India. Supposing in that mock Parliament, in some way or other, the Englishmen were allowed to put interpellations

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and supposing that every time when a question was put by an Englishman, some Indian Member on the Treasury Benches rose and answered "Part (a). Yes. Part (b) No, Part (c). Does not arise and Part (d). It is not in the public interest to answer this." Supposing such answers were given by the Indian Members representing the Government in England, I would not be surprised if English youths in those conditions had had recourse to terrorism and anarchism (Laughter) Therefore, I submit that you should remove the root cause. You bring down the huge expenses of your administration. India is at the present time, as is well known, the poorest country in the world and yet the Government are running an administration which is most expensive on the face of the globe. (A Voice : "Shame.") Yes, it is really a matter of shame and those who countenance this state of things are certainly to be ashamed of their conduct. I will take one instance. Here is my Honourable friend, Mr. Griffiths, from Bengal, representing the Bengal Government. He has no reason to be here. Why is he here? For one or two reasons,—either to record his vote or to make a speech. So far as recording of vote is concerned, even a clerk from the Secretariat can do it as efficiently.

Mr. S. Satyamurti : A chaprassi will do.

Mr. A. K. Fuzlul Huq : A clerk might be sitting here, and, at the time of the division, he can go to the lobby and record his vote. His vote would be as valuable as that of Mr. Griffiths, because the clerk from the Secretariat would be as good a Member as Mr. Griffiths and we would have the satisfaction of being able to get a vote for the Government with much less expense than we can have the vote when the Government brings in Mr. Griffiths here all the way from Bengal paying him his travelling expenses and a salary of Rs 2,000 a month from the public treasury. I say with the utmost respect that any hireling would serve the purpose for which Mr. Griffiths has been brought here. As regards speeches, we do not want any from the official Members. I know that Mr. Griffiths made a very good speech, he is a very grand speaker, but all the facts stated by him are wrong (Applause) Those who support this Bill may think that what all Mr. Griffiths has said is correct. But I dispute his facts though I admire his speech. I dispute all the facts which he has put forward before the House. Why? Because what does a District Magistrate ever know about the real heart of India? How can poor District Magistrates know anything of India? No Englishman knows Bengali. The Englishmen have got very high intellectual capacity, but they are very dull in learning languages.

An Honourable Member : Mr. Griffiths knows Bengali.

Mr. A. K. Fuzlul Huq : He knows as much Bengali as I know Japanese. He does not know it. Now, I have not come across a single Englishman except Rev. Carey of Barisal who can claim to know the vernacular of the country. Now, the difficulty is that when these District Magistrates go out into the country they suffer from a great handicap because they do not know the local vernacular. They cannot mix freely with the people and so, it cannot be expected that they would know what grievances the people have. These District Magistrates come into contact only with *chaukidars* and *panchayatdars* who generally mistranslate to them what the poor ryots have got to represent. Well, Sir, in this connection I am reminded of an old story. There was an

old Rajah who was holding his court in the jungles, and the jackals began to howl. The Raja asked, what are all these howlings about? The courtiers said, "Your Majesty, it is very cold and the jackals are feeling the cold. They are asking for blankets". The Raja immediately asked, "How many blankets they want". The courtiers said, "They want blankets which would cost about two lakhs". The Raja immediately ordered two lakhs of rupees to be paid out of the treasury for the purchase of blankets. When the Raja was holding his court the next day, the jackals again began to howl, when he asked what was the howling about. The courtiers said, "Your Majesty, the jackals are thanking your Majesty for the blankets". (Laughter.) So when the District Magistrates go to the villages, they listen to whatever the *chaukidars* or the *punchayatdars* have to represent about the grievances of the people and after listening to those stories, the District Magistrate thinks that he has done his duty. With this kind of knowledge, my Honourable friend, Mr. Griffiths or anybody else, may go and hear the grievances of the poor masses, but they do not know the real situation. The real situation is this, that unless and until this top-heavy and most expensive administration is reduced to reasonable limits, unless the voice of the people is heard and honoured, and unless and until the Government is really broadbased on the wishes of the people, there can never be any end to terrorism or Communism or anarchism. Terrorism, anarchism and Communism all naturally grow out of discontent. Go to the root cause and adopt the Unani and Ayurvedic systems of treatment. Feel the pulse of the nation, find out the root cause and prescribe the proper medicine, not quack medicines in the shape of repressive measures which will recoil like the boomerang on those who propose to adopt such remedies. Therefore, I suggest, that you should adopt such acts which will really broadbase the Government on the willing affections of the people as well as eradicate for ever all causes of sedition, disloyalty and discontent.

An Honourable Member : What about the salary of the Executive Councillors?

Mr. A. K. Fuzlul Huq : I am not talking here of the salary of any one individual in particular. I am talking generally of the abnormally heavy expenditure in administration. In my own Province of Bengal the expenses on the administration have gone up from five crores to eleven crores. What is the justification for that? In the Government of India also, the expenses have been jumping higher and higher every year. When I am saying these things, I am not doing so in any carping spirit of criticism. I am saying all these things as one of the best friends of the Government, as one of the best supporters of the Government. If I vote against this measure, it is because I honestly feel that I cannot support a measure of this kind which does not appeal to my conscience. I have carefully considered the provisions of the Bill, I have also considered the various facts and circumstances which have come to my knowledge in the past. I know from personal knowledge how these provisions are being abused by the executive authorities. It is for that reason I cannot find myself able to support this Bill. There is yet time, Sir. Let the Honourable the Home Member consider if the provisions which he wants to introduce in the shape of this special enactment cannot be included in the ordinary law of the land by amending

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the Code of Criminal Procedure and the Indian Penal Code. If that is done, I do not think there can be any objection. But we have certainly got objections to extraordinary measures, because extraordinary measures really prove to be extraordinary remedies. They do nothing to bring solace to the disease, they simply irritate, they simply excite the people. In order to prevent all that, it is necessary that such steps should be taken as will achieve the object in view and at the same time disarm all possible opposition. Sir, I have heard of terrorism, anarchism and Communism and communalism. Let me say as far as communalism is concerned, these particular measures are not at all necessary nor are they justified. Communalism will go when the leaders of the various communities feel that it is enough to stick to one's own faith, that it is wrong to abuse another man's faith and another man's religion. (Hear, hear.) A good Mussalman to be a good Mussalman must have toleration for the faith of others; so a Hindu, so a Sikh and so a Christian. When we Indians, who are educated, who are born amongst the people and are above the people in knowledge and experience, teach our own people the lessons of toleration, then and then only will communalism disappear. But if some one else intervenes in these domestic quarrels of ours, it only embitters the situation. The third party that comes in is always leaning towards one side or the other. If the first party and the second party choose to quarrel, let them quarrel for some time and everything would be quiet in the end. But if the third party intervenes, they might intervene in such a manner as to raise a suspicion of partiality either towards this party or to that.

Captain Sardar Sher Muhammad Khan (Nominated Non-Official) : What about your compromise in London with the Bengal Hindus ?

Mr. A. K. Fuzlul Huq : So far as Bengal is concerned, you can leave it to us to settle our affairs. Personally, so far as I am concerned, I have always had the most affectionate love from all my Hindu friends. I have nothing to fear personally, and I think tactfully we will be able to work in harmony with them, whatever may be the Communal Award or whatever may be the decision of Government.

Sir, I do not wish to take up the time of the House. The matter has been discussed for so many days and from many points of view. I am only asking the Honourable the Home Member to consider if even now he cannot think of amendments in the Act which may meet to a certain extent the wishes of the various groups in this House. If he is adamant I can only say that even those like us who do not wish ordinarily to embarrass Government will have no other alternative but to vote against the Bill. Government certainly will have the power to certify, but Government by certification is certainly not a thing to be desired; and I, therefore, once more ask him to consider whether the additional powers which he wants to take cannot be introduced into the ordinary law of the land. Sir, I do not think I need take up the time of the House; I feel that, as at present advised, I have no other alternative but to oppose this measure.

Maharaja Kumar Vijaya Ananda Gajapati (United Provinces Landholders) : Sir, I have carefully looked into the proposals of the

present Bill. In this Hall, we meet together to square up differences, and one can fairly presume that intolerance to a differing opinion will weigh in favour of the Bill.

I need not take up much time by pointing out that the proposal to continue some of the provisions of the Act of 1932 is in a much modified form. The Government of India have recognised that safety and execution of duties of public servants need no longer any special law for their protection, that rumours are no longer to be feared, that discipline of boys and wards have become normal, and such other activities may safely be left to themselves. In the Statement of Objects and Reasons, three matters are intended to be continued by giving them a permanent form.

The first of these is picketing. I hope it will not be out of place to narrate a little incident of my own. When in 1930, the world-renowned cricketers, Hobbs and Sutcliffe, my guests, offered to play their first innings at Benares, more than ten thousand people were glad to witness the game. I do not know how the local Congressmen had a bee in their bonnet to organise picketing against the show, and picketing commenced. I assured the local Congress authorities that no political odour should be given to the affair, and picketing was stopped. Good sense prevailed.

I recall this incident to say that there is scope for mutual understanding. I would have been glad to see section 7 of the Act of 1932 also modified. But I, rather too cautious for my age, have weighed some considerations which I beg to place before this House. I say this in the same spirit as I took up when I wrote to the Benares Congress authorities.

This Act was passed on the 7th December, 1932. The Honourable the then Home Member's last remarks contain the following words: "If the menace which is typified in the Civil Disobedience Movement is once removed—and the passing of this Bill will contribute powerfully to remove it—then we can go forward with confidence into the new era." Opinions may be widely divergent as to the dawning of the new era, but that the Act of 1932 has powerfully contributed to remove the agitation cannot for a moment be disputed. It is one of the truisms of political philosophy that "we base our legislation on the expert interpretation of our environments. . . . The solutions proposed make their way successfully only as they represent an interpretation of experience sufficiently akin to our own to be valid for us". Now that the environment has changed, the Government have, by repealing some of the drastic provisions, interpreted that change. I humbly submit that successful as the Government have been, can we truly interpret the present situation by saying that the Government were wrong in their legislation in 1932? If one can, let him dare. I cannot. For the life of me, I cannot shut my eyes to the obvious facts. From that point of view, to me the question has narrowed down into one—how much power should still remain with the Government? For my part, I can say that clause (b) of section 7 (1) can be modified in view of the altered environment.

The second question is that of unlawful associations. I can understand those who are outside this Legislature and have no faith in evolution or constitutional progress. But it is inconsistent why my colleagues

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who do not deny the existence of terrorism and yet do not propose any alternative measure to tackle with unlawful associations. I have heard with surprise a respected and experienced legislator expressing the other day in this House that the Government is not our Government. I recall with respect an observation of the late Mr Gokhale, of course, when I was a baby in arms, that after all this Legislature was our Legislature. There is enough scope for differing opinions trying to gain power in this Legislature, and the Government is carrying on, on the law of this Legislature. If the Government be not our own, I do not for a moment appreciate the value of thousands of questions and scores of resolutions brought up. Similarly, if the Government be not our own, why object to the legislation for unlawful associations? Is it not simply because, the Government have, as Government, found terrorism having its root in unlawful associations? We as legislators have our duty in that behalf. If we object to the present law, it is up to us to suggest an alternative.

The third set of powers are against the press, which is after all, the voice of the people. I am the last person to support stifling reports of events or fair criticism. But in this matter also, the only available remedy is to suggest amendments to modify the existing law. In the absence of such suggestions, the men in power will continue in their course.

When talking about fair criticism, I should refer you to some of the recent papers of our country. The *Bombay Sentinel* of the 4th September has pitted the mentality of the Honourable the Home Member and compared his methods to that "of the Bourbons in France and Tsarist regime in Russia". The *Searchlight* of the 1st September has an editorial on the I. C. S. men in Judicial Service and in course of that article, observes: "The truth is that the whole system of judicial administration is defective from top to bottom and a thorough overhauling is needed to put things right". The *Advance* of the 5th September has, in supporting a recent judgment of Mr. Justice Lord-Williams, criticised this present Bill trenchantly and forcefully; but historically and philosophically. The *Forward* of the same date observes that: "His Excellency was ill-advised in disallowing the adjournment motion of the Honourable Mr Akhil Chandra Dutta". The *Daily News* of Nagpur of the 4th September, in its editorial, had hard words against the Honourable the Finance Member such as "Sir James is just putting his statistics into his pocket and talking in air". "He is not a free agent and the City of London thinks for him".

I have compiled this selection to show that fair criticism is allowed and there is a way for both sides to make up. I do not see why there should be greater desire for press comment than this by the Opposition. That is my humble submission.

I regret I have to bring in another personal sentiment into this game of politics. Sir, it is regrettable that during the Civil Disobedience Movement, the premier Cricket Tournament which is called "the Quadrangulars" was abandoned for three years in Bombay. Had it not been abandoned, much of the bad humour of the hitters and bowlers on both sides of this House would not have been in evidence, and now I

have joined in this debate, because I cannot reasonably play the role of a mere spectator. As the Honourable the Home Member is rather satisfied with the suspension of the Civil Disobedience Movement, I leave it aside. But the game played in this Movement was not cricket. One thing, I may allude to, *viz.*, the no-tax campaign. There has been too much "body-line" stuff in this political field in our country, and if a new law is necessary to prevent the corruption of the game, everybody in this House should welcome it.

Another very important question has occurred to me. Of course, it has seemed important to me. Is it not a fact that this Government is handing over these powers to a new set of men who are coming into office—whoever they may be? Has not the Government sufficient justification for recognising that differences in "political, economic or religious views" lead to annoyance? Has not the Government reason to fear "constantly recurring outbursts of communal feeling"? Facts are there, and none can blink at them.

I may be called an alarmist. But I am still in the habit of taking my lesson from those who have experience and opportunity. Recently I came across an article in the latest issue of the *Political Quarterly* from the pen of Captain the Right Honourable Wedgewood Benn, whose sympathies for Indian aspirations are well-known. I take the liberty of culling a few observations from his article "Outlook on the Indian Reforms":

"It is true to say that little has been heard of the most important of all forces—popular Hindu opinion, and that little has been ignored. ... 'Working the Constitution' may mean two things. It may mean merely a willingness to stand for election, but its real meaning is willingness to form or support Indian Ministry. That Indians will be found to accept portfolios, of course, goes without saying."

Referring to Congress candidates, he observes:

"If they can succeed in shaming Indian Ministers into relinquishing their responsibilities, they will be happy. The issue which they wish to keep before the public—that of Britain *versus* India—will be most clearly presented, of course, if they can force the Governors into the use of the autocratic powers which they now possess in an unprecedented degree... It is to be hoped that the Indian Assemblies will be willing to assume the responsibilities for safeguarding what is a prime Indian interest, the preservation of peace and quiet in their streets and fields."

In my humble opinion, the problem before the Indian politicians is whether they will start from the *status quo*, and themselves bring about a happier environment, or continue in futile methods and endless agitation. I think the Congress Party can alter the law to a workable formula, and themselves be the administrators of the future, if wisdom prevails.

No one will be happier than myself if, by our conduct, no occasion is afforded to any one to use the powers of the proposed law, and this law remains a forgotten chapter.

With these few words, I wish to resume my seat and support the Honourable the Home Member.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions: Non-Muhammadan Rural).—Sir, it is needless to say that I rise to oppose the motion for the consideration of the Bill. So far as the Government and some of the Honourable Members who have supported them are concerned, they may treat this Bill as a mere administrative

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device for the maintenance of order under coercion. Some of them may look upon it only in a light spirit of frolicsome frivolity. But so far as I and those of my way of thinking are concerned, it gives rise to momentous issues. It is nothing short of an outrage on the cherished acquisitions, the cherished possessions, and the cherished institutions of modern age and civilization. Take away the right of freedom of thought, take away the right of freedom of expression, take away the right of freedom of association : just ignore the achievements of science, its discoveries and inventions ; and what is left of modern civilization ? What is, above all, the greatest achievement of the modern age and how has it been attained ? Is it not only through the clash of ideas and through the impact of mind upon mind that humanity has been progressing and steadily advancing forward ? I oppose this measure, because, in its effect to maintain artificial calm, it is creating, at all events even if it succeeds, the peace of the desert as Lord Irwin once said, or a fettered and muzzled India as Lord Morley had said on a previous occasion. Sir, is it not a tragedy and an irony that in this year of Grace 1935 such a Bill should be placed before this House ? I am reminded, Sir, that it is just 100 years almost to a day that Sir Charles Metcalfe, known as the liberator of the press in India, issued orders withdrawing all restraints on the press. I would like just to read out a few sentences from the reply he gave to the deputation which waited on him in the year 1835 for the withdrawal of restraints on the press. This is what he said :

“ It rests with them ” (*meaning the critics and opponents*), “ to show that the communication of knowledge is a curse and not a benefit, and that the essence of good Government is to cover the land with darkness ; for otherwise it must be admitted to be one of the most imperative duties of a Government to confer the incalculable blessing of knowledge on the people, and by what means can this be done more effectively than by the unrestrained liberty of publication and by the stimulus which it gives to the powers of the mind.”

I would appeal to Honourable Members opposite to give a little thought to those words of wisdom. By what other means can you carry the torch of light in this country ? Sir, we deplore illiteracy, we deplore superstitions, we want to find out remedies for them, we want to carry on a propaganda that may turn even the man who lives in the most remote hamlet in the village into a literate man, we want even the humble dweller of the thatched hut to be an intelligent citizen. We want him to be capable of taking an active interest in the affairs of our country. How can it be done otherwise than by the extension of the activities of the press ?

Sir, before proceeding further, I should like to tell the House that whenever any restraints were imposed on the press, they retarded the growth and extension of printing presses as well as of newspapers and other periodical publications and even of books. As Honourable Members are aware, between the years 1910 and 1920, the press in India was subject to the octopus of the Press Act. In 1921, the Press Act was repealed, and, between 1921 and 1930, the press was free from fetters. The reaction was striking. Sir, between the years 1911 and 1920, when the press was under the Press Act, the rise in the number of presses was from 2,780 to 3,371 an increase of about 600 in 10 years,—or, on an average of 60 per year. When these fetters were withdrawn

in 1921, what was the result ? Between the years 1921 and 1931, the number of presses went up from 3,371 to 6,520, which shows an increase of about 3,200. The number was almost doubled. The growth in the number of presses in two years was more than in the whole of the ten preceding years. Similar was the case with newspapers. The number of newspapers and publications was 2,924 in 1911 as against 3,093 in 1920. Thus, the total increase during this decade was only 169. But, thereafter, between 1920-21 and 1930-31, the number went up to 4,500, with the result that the increase during this decade came to 1,500 in place of 169. Thus, in one single year, after the withdrawal of the fetters, there was a larger addition to the number of newspapers and publications in this country than during the whole of the preceding ten years when the press was under the repressive Press Act. (Cheers from Congress Party Benches) Let us now look at the number of books published. The number of books published in 1911-12 came to 11,584. And what was the number in 1919-20 ? It was in reality only 11,110. There was thus an actual reduction, a shrinkage to the extent of 500 in the number of books during the period the Press Act was in force. But what was the result when the Press Act was withdrawn ? Between 1919-20 and 1930-31 the number went up from 11,100 to 17,427,—an increase of more than 6,000. Sir, can you have any doubt in your mind in the face of these figures and statistics that restraints on the press are a grave menace and a great hindrance to the diffusion of knowledge and culture, and stand in the way of all the well-wishers of the country and of all those people who are interested in promoting truth, light and learning ?

Let us look back again on the history of the last few years. Sir, as I have just said, but for two short interludes, there were no restraints on the press between 1835 and 1910, when the Press Act was introduced which remained on the Statute-book up to the year 1921. Sir, I should like to remind Honourable Members of the Report that was issued by the Press Laws Committee. I will not repeat what they said. Important extracts from their report have been brought to the notice of the House by some of the speakers who have preceded me. What I want to tell Honourable Members is this : that in July, 1921, when the Press Laws Committee issued its Report, and shortly after when the Press Act was repealed, the commotion in the country was much more grave, much more alive and much more kicking than it is today. At that time, Sir, the Civil Disobedience Movement was almost at its zenith, there were no local laws, and there was no law at all in Bengal for the control of terrorism. Besides, all the political prisoners, whether convicted for violence or for non-violence offences, who had been released in pursuance of the proclamation issued in December, 1919, on the passage of the Montford Act were at large then. Sir, the state of terrorism at that time was much worse than what is said to be today. I think the Home Member, the Government of India and the Secretary of State, all claim jointly and severally that the state of the country, so far as terrorism is concerned, is better, and has considerably improved since. May I know what is the reason for proceeding with a Bill like this at this time of the day when there is undisturbed tranquillity, when, so far as terrorism is concerned, you admit and declare that the position is much better, and when, so far as Civil Disobedience is concerned, it is at least suspended and quiescent. I ask, in all humility, what is the

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justification for proceeding with a measure of this sort today when it was considered proper, appropriate and safe to repeal the Press Act of 1910 in 1921-22. So far as terrorism is concerned, there are provisions in the Bengal Act which are most stringent and rigid. There it is open to the magistrates to issue orders to the printers and editors not to publish anything they do not like, irrespective of its being lawful or unlawful, wholesome or unwholesome. The Bengal Criminal Law Amendment Act contains provisions which do not leave any room for any free activity to any person or journalist in Bengal. Whether those laws are tolerable or not, I am not concerned with. What I am concerned with is only this, that, so far as terrorism is concerned, the remedies that you are providing in this Bill are altogether insignificant, negligible, useless and superfluous in the face of the Bengal Criminal Law Amendment Act, and there is no reason why, in the circumstances, you should plead terrorism as an excuse for putting this Bill permanently on the Statute-book. Then, Sir, may I know what, after all, has been the efficacy, the benefit, the advantage of the last three years' administration of the Criminal Law Amendment Act which is and was intended to expire in December next and will then die an unlamented death? I should like to know what has been the advantage, what has been the consequence, what has been the fruitful sequel to the passing of that measure and its administration for the last three years. It was admittedly an emergency measure. It was devised with a view to treating a passing phase, a temporary malady, and what has been its reaction, and what has been its effect? A malady that was then no more than local, transitory and incidental, has now become chronic, and a permanent, inseparable and unsavoury feature of the body politic. Is not that by itself sufficient for condemning that measure and for throwing it out? There is a proverb among us as to a disease coming on worsening with the treatment. Where the treatment has, after regular trial of three years, proved to be altogether inefficacious, and even harmful, and detrimental to the patient is it in any way wise to persist in that wrong and erratic course? So, I submit the Bill should be thrown out, because the parent of the Bill, the existing Act, out of which it has sprung, has proved a monster which may kill, but cannot possibly cure or heal. There is one more reason why I think there is absolutely no justification for this measure. Here I have before me the report of the speech that the late Home Member delivered, while introducing the Criminal Law Amendment Bill in 1932. I have also before me a copy of the Bill which was then introduced with its Statement of Objects and Reasons. It was repeatedly said by the Home Member then that the Government had introduced that Bill only because of the Civil Disobedience Movement. He said :

“ The origin of the Bill is very plain. It can be said in two or three words, the civil disobedience movement. It is unnecessary to give a history of that movement.”

Further, he went on to say :

“ Those Ordinances expired after six months and as the period for their expiry approached it became evident that we were in no position to discard the weapons with which the civil disobedience movement was being fought. Accordingly, at the end of June the Governor General issued a new consolidated Ordinance. This in its turn will expire at the end of the year. Now, Sir, the problem is, what action are the Government to take. The civil disobedience movement, though its manifestations have

been much curtailed and though I think I can claim that its supporters have lost a good deal of the impetus with which the movement was started, is still in existence and no one can prophesy when it will come to an end. It certainly will not end so long as the leaders still feel that there is any prospect of gaining their objects. Now, Sir, what stands between them and success is mainly the power conferred by the Ordinance and therefore it is the view of Government that the best method of ensuring a speedy end of this movement is to make it clear that the powers with which the movement is being fought will be continued."

As I observed a minute ago, a similar explanation is given in the Statement of Objects and Reasons. Now, the Honourable the Home Member has admitted in his Statement of Objects and Reasons here that the Civil Disobedience Movement is at present in abeyance. He has also withdrawn certain clauses which formed part of the old measure. So far as he is concerned, this Bill has not been introduced in order to provide a ready weapon to meet the menace of Civil Disobedience if it is ever revived and resumed. That is admitted by the Honourable the Home Member himself in the Statement of Objects and Reasons. Sir, in these circumstances, I submit that there is absolutely no justification for this Bill and it is but the outcome of the morbid tendency of the executive which is ever avaricious to retain such arbitrary and autocratic powers as it manages to acquire in moments of crisis. That alone is the reason for this measure. It is easy for them to invent reasons for preserving their autocratic powers, even when those powers are not needed for combating any critical situation. I submit that the reasons that have been mentioned here are merely fictions born of a fertile imagination, as, in fact and in reality, these reasons did not affect the Criminal Law Amendment Bill of 1932. There was no reference to anything of this sort in the Statement appended to the Bill or the opening speech of the then Home Member.

The Honourable Sir Henry Craik : No, no. That is not correct.

Pandit Govind Ballabh Pant : I am definite. I challenge the Honourable the Home Member to show me the contrary. I have before me the Statement of Objects and Reasons, and I have before me the speeches. I know the Honourable Member will have a right of reply. I have absolutely no doubt that, so far as published literature on the subject goes, the Government had nothing in mind except the Civil Disobedience Movement when this measure was placed on the anvil in the year 1932. Obviously, the question is this, whether, in the present circumstances, it is proper and it is reasonable that a Bill of this sort should be placed before the House. I do not care if a slip here or a word there is pounced upon by the Honourable Members opposite who seem to be helpless and confused, but the exponents of official view then made it abundantly clear that they were not actuated by any other motive except that of meeting and combating the Civil Disobedience Movement when they introduced their Bill in 1932. But, Sir, that is not all that I have to submit. I should like to know what are the reasons then for this measure. Government want it to be permanently lodged in the Statute-book. I want Honourable Members to remember that it is not an emergency measure to tide over a crisis. It is, so far as the present Government is concerned, to form, if their object can be carried out, an integral part of the Statute-book of this country for all time to come. Among the fantastic reasons advanced in support of this measure, there is one which seems to surpass all others in its amazing nature. I have not heard anything more astounding, and had it not been a hard fact, I would be loath to

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accept, even as regards the Government of India, that they were capable of such stupid audacity. They say that it is to prepare the country for responsible Government that they want to impose fetters on the press. I have not heard anything more ridiculous, more ludicrous, more perverse and more untrue in any argument in my life. Sir, what does responsible Government mean? The press provides the lungs and arteries to the body politic. Responsible Government sways and swings in the enlivening breeze which only a free press can produce and generate. Take that live force away, and what is left except blank dullness, foolish obstinacy and a nauseating sense of complaisant self-sufficiency for those who are commissioned to carry on the administration of the country. Has anybody ever heard of responsible Government with dictatorial powers in the hands of the Government, and can there be absolute powers of a more comprehensive and far-reaching type than those provided in this Bill? Assume for a moment that you form a responsible ministry in a province and arm them with this Bill. I say, if they have a little grain of sense in them, they can perpetuate their existence. I have no desire to get into those offices. They may be beyond my reach or outside the scope of my will or ambition, but I have no doubt, that a politician cannot conceive of a better weapon, and a better instrument for the perpetuation of his hold and grip than the powers which this Bill provides. What is the scope of this Bill? Government can declare any association unlawful. It may be even the European Association and, if I am in power tomorrow, perhaps Mr James will think twice before equipping me with this power. Or it may be the Indian Civil Service Association, and I may declare it unlawful, for there is no control, no restraint, and no appeal. There is no other authority to which you can appeal against my decision. What I say is absolute : what I do is final. I can suppress any press. I can call for security. I can forfeit the security of any press on the pretext of any one of the innumerable grounds mentioned in section 4. I do not care to read out that section at this stage. I may have to do it later, but one of the things provided there is incitement to disaffection, and disaffection was defined by one of the High Court judges, Sir John Strachey, as want of affection. If I am a Minister, and if any Member on the other side says anything that, instead of promoting affection on the part of other people towards me, tends even indirectly to drain their ardour for me, it will be within my competence to crush that press and to call for security from that paper. Well, Sir, could I desire for more if I wanted to be a Hitler or a Mussolini? I think you are doing the gravest injustice to the intelligence of this country and also the cause which you seem to espouse by placing this Bill on the table of this House. Then, Sir, I do not know how you will interpret and enforce these things. Charlie Chaplin was hauled up in the divorce Court by his wife on the ground that he had been guilty of hatred towards her. Plain Charlie protested in naive earnestness that his affection for his wife was unbounded and he had never been guilty of any lapses. But it was of no avail to him and the divorce was decreed. I do not know how publicists and public men will manage to protect themselves against such charges of disaffection against them, whether by the existing Government which has never made any secret of its animosity for them or by their successors that may follow hereafter.

There is yet another aspect which seemed to me to be still more strange. Example is better than precept. The Honourable the Home Member and his fraternity want us to trust the Ministers and the Governments of the future implicitly and to surrender to them the most valued rights and privileges in advance : but how have they themselves behaved ? I do not know if Mr. Griffiths is here. The safeguards, even as they appear in the Government of India Act in their final form, do not satisfy some of the members of the Indian Civil Service, at least in Bengal, who held out a veritable threat which, when the Bill was in the last stage in the House of Commons, caused a little flutter at the time, even in the ranks of the bureaucracy in this country. Sir, may I put a question to the Honourable the Home Member as well as to others in his fold. So far as the Imperial Services are concerned, they cannot trust the Ministers. The Ministers should not even touch them. The Secretary of State alone will have exclusive control of the Imperial Services. Even the Governor General cannot be trusted, leave aside the Ministers. Even the Secretary of State cannot be trusted. Unless his advisers representing the Services support a change by a majority, even the Parliament will not sanction any amendment of service rules or conditions. Sir, even in the matter of postings, the Minister has got to go to the Governor and to appeal to him. He has to pray to him to get Mr. Griffiths appointed to Midnapore or some other place, and, so far as the medical services are concerned, no Indian can be appointed to certain reserved posts even by the Governor. Well, Sir, does that indicate the confidence of the bureaucracy in the Governments of the future ? Is it just on their part to ask us to trust these Governments and to place the most valued rights which alone constitute life worth living at the sweet mercy and disposal of these discredited suspects ? Is it sincere ? Can hypocrisy go further ? Can dishonesty go further ? I ask the bureaucracy now and here—what justification have they to force us to surrender to the mysterious, to the obscure, to the unknown and the unknowable Ministers of the future the most valued heritage, the most cherished fundamental rights which form the very basis of civilised existence ? How dare they impose these fetters on this country, while keeping themselves strictly and meticulously and completely out of the orbit and influences of these Ministers ? (Loud Applause)

Sir, I am reminded of a story I once read. There were two fine cousins, Eve and Mary. Eve was younger, but had two divorces to her credit. They had a common friend, John, with a hare-lip and squint eyes. John wanted to marry, and Eve very seriously, very earnestly, very persuasively suggested it to Mary that she should marry John. Mary gently said : “ you have greater experience of married life, you have already had two husbands. John has queer looks. Why don't you marry him ? ” Well, for some time, Eve beat about the bush, but ultimately she gave out the truth. “ My dear Mary, your parents were married only once. Your grand-parents were married only once. You are, by nature, by heredity, faithful. So far as I am concerned, my mother was the third wife to my father, and my father was the third husband to my mother. (Laughter.) So it won't be safe for me to marry such a husband. Besides, Mary, I know you want a husband, so that you may serve him, and I want a husband so that he may serve me. So, so far as you are concerned, John will be safe and you will be happy. But if I were to enter into this alliance,

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both of us will be unhappy. But I will be prepared to help you both, and I will make full use of either or both of you on every occasion for any purpose I like and choose." (Laughter.) That, Sir, is the state of affairs that obtains in this country. It is very well to suggest to us, to the innocent Marys in this country, to marry hare-lipped and squint-eyed Johns, so that the shrewd and the astute Eve may always be able to command the services of both to her heart's content. (Laughter.) Are we really such credulous, stupid fools? And, then, Sir, what is happening today? How are the high and mighty behaving? Do you know how the constituencies are being delimited? Do you know how the Delimitation Conferences and Committees are being formed? Do you know in how many diverse ways efforts are being made to manage and manipulate things, so that the Bureaucracy may ever continue to rule, and, while the mask and figure may be of an Indian, the power may always rest and vest in the hands of the European?

Mr. President (The Honourable Sir Abdur Rahim): Would the Honourable Member like to stop here and resume his speech tomorrow?

Pandit Govind Ballabh Pant: All right, Sir.

Mr. President (The Honourable Sir Abdur Rahim): The House stands adjourned till 11 o'clock tomorrow.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 11th September, 1935.

LEGISLATIVE ASSEMBLY.

Wednesday, 11th September, 1935

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

SUPPLEMENTARY QUESTIONS AND ANSWERS.

REFUSAL OF PERMISSION TO MR. MOHAN LAL SAKSENA TO VISIT THE CELLULAR JAIL AT PORT BLAIR.

Mr. Sri Prakasa : Sir, I have got my supplementary questions to question No. 240 which you kindly allowed to be put today. May I put them now ?

Mr. President (The Honourable Sir Abdur Rahim) : Yes.

Mr. Sri Prakasa : It is a long list, but I have supplied a copy of these questions to the Honourable the Home Member, so he should not have any difficulty in answering them.

Do the papers laid upon the table of the House contain all the documents pertaining to the correspondence between the Home Member or his Government and Mr. Mohan Lal Saksena and the Honourable Mr. Chetti ?

The Honourable Sir Henry Craik : The papers which were laid upon the table contain the whole of the correspondence with Diwan Bahadur G. Narayanaswami Chetti. I only laid one letter of Mr. Mohan Lal Saksena on the table, because that was all I was asked for. To the best of my recollection, the whole of the correspondence was published in the press.

Dr. Ziauddin Ahmad : I rise on a point of order. Sir Other Honourable Members are handicapped, because we do not know the contents of the correspondence that was laid on the table, and, therefore, we cannot follow the supplementary questions.

Mr. President (The Honourable Sir Abdur Rahim) : These supplementary questions are with reference to a question that was answered yesterday.

Dr Ziauddin Ahmad : These supplementary questions are with reference to certain papers which were laid on the table and those papers are in possession of one Honourable Member.

Mr President (The Honourable Sir Abdur Rahim) : The Chair takes it that the papers which are laid on the table of the House are open to all Honourable Members

Mr. Sri Prakasa : I should like to know from the Home Member whether he would prefer me to put one question at a time or shall I put all the questions at one time ?

The Honourable Sir Henry Craik : It would be convenient if the Honourable Member puts one question at a time.

Mr. Sri Prakasa : Did the Honourable Mr. Chetti have an interview with Mr. J. S. Smyth, the Chief Commissioner of the Andamans, at the Home Member's residence as desired in the letter of the Government of India (Home Department), No. 1316/33-Jails, dated the 30th October, 1933 ?

The Honourable Sir Henry Craik : As I was not Home Member or in possession of the Home Member's residence at the time, I cannot say.

Mr. Sri Prakasa : Did the Honourable Mr. Chetti disclose to Mr. Smyth the reason of his desire to visit the Andamans, and was Mr. Smyth satisfied that Mr. Chetti would go with an open mind, and was the right sort of person to be permitted to visit Port Blair ?

The Honourable Sir Henry Craik : I do not know whether the interview took place. But if it did take place, I do not know what happened.

Mr. Sri Prakasa : Did the Honourable Mr. Chetti avail himself of the permission given to him to visit the Andamans in the Government of India (Home Department) letter No. D-1451/33-Jails, dated the 20th November, 1933, and the advice offered to him regarding the exact steamer by which he should travel ?

The Honourable Sir Henry Craik : He had to postpone his visit which he had intended to make sometime in November 1933 till later for private reasons.

Mr. Sri Prakasa : When did Mr. Chetti actually visit the Andamans ? Did he ask for permission again before going there ? If so, will Government inform the House of the exact nature of the communication and the date thereof ?

The Honourable Sir Henry Craik : He visited the Andamans in April, 1935. I received no communication from him before he went there.

Mr. Sri Prakasa : Did Government themselves inform Mr. Chetti of the earlier permission accorded to him to visit the Andamans after receiving Mr. Saksena's requisition ? Was the advice repeated that he may visit the Andamans and was the steamer by which he might travel also prescribed ?

The Honourable Sir Henry Craik : Not as far as I am aware.

Mr. Sri Prakasa : Was the permission of 1933 of a nature that was good for all time ? Did Mr. Chetti inform the Government that he was going to the Andamans before he actually went ? Did he keep in touch with Government and their officers in the Andamans during his visit ?

The Honourable Sir Henry Craik : I have no information on that point.

Mr. Sri Prakasa : Was some official always present with Mr. Chetti when he was carrying on his investigations, and had he any opportunities of independent inquiry ?

The Honourable Sir Henry Craik : That, again, I have no information about.

Mr. Sri Prakasa : Did Mr. Chetti send a report on the results of his visit of his own initiative or was he requested by Government formally or by any official orally to send his report ?

The Honourable Sir Henry Craik : He sent it on his own initiative.

Mr. Sri Prakasa : What words of Mr. Saksena in his letter made Government fear that he was not likely to make impartial inquiries ? What words of his gave Government the idea that he accepted as true the complaints that had reached him ? Does not the very fact that he wanted to make sure of the conditions at Port Blair by a personal visit prove that he did not accept the complaints as necessarily true ? Did he not say that he only wanted to see things for himself and bring them to the notice of Government ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member must wait for the answer.

The Honourable Sir Henry Craik : (After a pause.) I am sorry, but I thought your ruling was that the question contained arguments.

In regard to that question, I have nothing to add to what I wrote in my letter which I laid on the table yesterday.

Mr. Sri Prakasa : Did the Honourable Member object to Mr. Saksena on the ground that he went there as a self-appointed visitor ? What was the position of Mr. Chetti when he submitted his report ?

The Honourable Sir Henry Craik : The same position as before.

Mr. Sri Prakasa : What opportunities have persons confined in the Andamans to make complaints to authority ?

The Honourable Sir Henry Craik : I do not think that arises, but, as a matter of fact, they have opportunities as the Deputy Commissioner is bound to visit the jail from time to time and receive complaints.

Mr. Sri Prakasa : Are prisoners assured of protection from all harm if they make such complaints ? Are any complaints suppressed by jail authorities ?

The Honourable Sir Henry Craik : I do not think so.

Mr. Sri Prakasa : You do not think that any protection is afforded to them ?

The Honourable Sir Henry Craik : Yes, protection is afforded to them : but if the complaints are completely false, they are punished.

Mr. Sri Prakasa : When the Deputy Commissioner visits the jail, is he not accompanied by jail officials and is it possible for a prisoner to complain frankly when the jail official is present ?

The Honourable Sir Henry Craik : My experience is that prisoners are not deterred by the presence of jail officials and they make complaints freely.

Mr. Sri Prakasa : As one who has been a prisoner, my experience is quite different. Have any complaints reached Government about the conditions in the Andamans during the years 1933, 1934 and 1935 ? If so, how many and did Government investigate into them ?

The Honourable Sir Henry Craik : Sir, does that arise in any way out of any answer that I have given ?

Mr. T. S. Avinashilingam Chettiar : At whose expense did Mr. Chetti travel to Andamans ?

Mr. Sami Vencatachelam Chetty : May I ask, Sir, if there is any time-limit fixed for permission to go to the Andamans ?

The Honourable Sir Henry Craik : I do not know if that question has ever arisen before. It depends upon the circumstances of each case.

Mr. Mohan Lal Saksena : Is it a fact that Diwan Bahadur Narayanaswami Chetti sent two letters and two reports to the Government of his visit regarding the inspection of Port Blair ?

The Honourable Sir Henry Craik : He wrote more than one letter as far as I remember, but he sent only one report.

Mr. Mohan Lal Saksena : A communiqué was issued by the Home Department giving both letters and that appeared in the Press also ?

The Honourable Sir Henry Craik : He sent only one report, but we have had more than one letter.

QUESTIONS AND ANSWERS

HINDU, BUDDHIST AND MUHAMMADAN MONUMENTS IN THE SOUTHERN CIRCLE, MADRAS.

257. **Mr. C. N. Muthuranga Mudaliar :** (a) Will Government be pleased to place on the table a list of Hindu, Buddhist and Muhammadan monuments in the Southern Circle, Madras ?

(b) Will Government state how many of these monuments have been vested under the supervision of Government according to the Preservation of Monuments Act ?

(c) How many of such monuments are Hindu, Buddhist and Muhammadan ?

(d) What are the monuments that have not yet been taken by the Department of Archæology for conservation and protection under the said Act ?

(e) What action has been taken till now, or is proposed to be taken hereafter, by the Superintendent of Archæology, Southern Circle, Madras, in the above matter ?

(f) Is it a fact that the most important Pallava Monuments in the Seven Pagodas and Conjeevaram are going to decay, and if so, what action has been taken by the Superintendent of Archæology, Southern Circle, Madras, in the matter of their preservation ? If no action has been taken till now, why not ?

(g) Do Government now propose to take the necessary action ?

(h) Is it a fact that the inscriptions on the Pallava Monuments in the Seven Pagodas and Conjeevaram are becoming obliterated ?

(i) Has the attention of Government been called to that point ?

(j) Does the Superintendent, Archaeology, Southern Circle, propose to take measures to preserve them from decay ?

Sir Girja Shankar Bajpai : (a) It is not possible to comply with the Honourable Member's request as Government only have a list of the monuments that they have protected.

(b) and (c). 347, of which 226 are Hindu, 19 Buddhist and 15 Muham-madan.

(d) A list of the monuments which Government think might be but have not been taken over is laid on the table.

(e) Until the financial position improves, the Department cannot assume responsibility for additional monuments.

(f) and (g). Such decay as is due to natural causes beyond human control cannot be checked. Ordinary repairs to these monuments are undertaken by the Department through the Public Works Department. The question of making certain special improvements to the Seven Pagodas is engaging attention.

(h), (i) and (j). Most of these inscriptions are protected and Government are not aware that any damage has been done to these inscriptions apart from what is due to such exposure as cannot be prevented.

*List of Ancient Monuments selected for Conservation in the Madras Presidency,
not yet declared protected*

No.	District.	Locality.	Name of Monuments.
1	Guntur . .	Santaravuru . .	Ramalinga and Chennakesava temple.
2	Do. . .	Chinnaganjam . .	Chidambara temple.
3	Do.	Do	Buddhist remains in a mound
4	Do. .	Peddaganjam	Bogandan Dibba with Buddhist re-mains.
5	Do. .	Malkapuram .	Nandi slab with inscriptions in front of Visvesvara temple.
6	Do. . .	Chejerla .	Kapotesvara temple with a chaitya as shrine and sculptures.
7	Do .	Kondavidu	The hill fort and buildings therein.
8	Do . .	Do .	Gopinatha temple and inscribed pillar at the foot of the hill fort.
9	Do	Kanuparti .	Hindu sculptures in white and black stones.
10	Do.	Do. . .	Isvara temple
11	Do	Amaravati	Amarasvara temple.

No.	District.	Locality	Name of Monuments.
12	Guntur	Garikapadu ..	Buddhist remains in a mound.
13	Anantapur ..	Uravakonda	Mallikarjuna temple
14	Chingleput ..	Conjeeveram ..	Kamatchi Amman temple
15	Do.	Do . . .	Varadaraja Perumal temple.
16	Madura .. .	Kilakudi . .	Jam statues and rock inscriptions on Sattipoduvu caves on the Usmanamalai Hill.
17	Do.	Do .. .	Similar statues and inscriptions on the top of the same hill at Pechipallam above Ariyaner temple.
18	Do. .. .	Madura	Meenatchi Amman temple
19	Do.	Do. . .	Teppakulam.
20	Do.	Do. .. .	Gudal Alagar Perumal temple.
21	Do.	Do.	Nanmaithruvar koil, western gateway containing works of art both in and outside including the carving of a tank on the ceiling.
22	Do. . . .	Do. . . .	Annakuli mandapam containing big statues buried under the ground.
23	Madras . . .	Yanamalai . .	Jain cave with inscriptions and other remains.
24	Do.	Do. . . .	Narasimha temple with inscriptions.
25	Do. .. .	Alagarkoil	Fort enclosing the temple
26	Do.	Do. . .	Remains of Tirumal Naick's Palace.
27	Do.	Do. .. .	Temple with Hanuma-tirtham tank.
28	Do. . . .	Palmi .. .	Temple on the Idumbarmalai.
29	Do.	Kongarapuli-yangulam	Panchapandava beds and Brahmi inscriptions in the cavern on the hill.
30	Do.	Kuppalanattam ..	Jain sculptures on the hillock
31	Do.	Vikramangalam .	Temple at Koilpatti
32	Trichinopoly ..	Samayapuram ..	Sojesvara temple
33	North Arcot ..	Devikapuram ..	Brinadambal temple
34	Do.	Do. . . .	Kanakagirisvara temple.
35	Do.	Brahmadesan . .	Chandramouleavara temple
36	Do. . . .	Do .. .	Rudrakotesvara temple.

No	District	Locality.	Name of Monuments.
37	North Arcot	Ukkal	Vishnu temple
38	Do	Padavedu	Hanuman temple
39	Do.	Nelvoy	Rama temple.
40	Do	Sholavaram	Siva temple
41	Do	Pudupadi	Bharadwajesvara temple
42	Do.	Sholinghur	Padampuram temple
43	Do	Tirakkol	Boulder stone containing inscriptions and Jama images

Prof. N. G. Ranga : Are Government aware that Amaravati and Bhattiprolu monuments which are supposed to be protected under this Act are really in a very bad condition because of official neglect ?

Sir Girja Shankar Bajpai : I do not admit the suggestion that there has been official neglect. I have really no information regarding these two monuments, but I shall make enquiries.

Prof. N. G. Ranga : Are Government bringing any more monuments within the purview of the Ancient Monuments Preservation Act ?

Sir Girja Shankar Bajpai : I have already answered that question. I have said that until the financial position improves, Government do not propose to assume responsibility for any additional monuments

DISCOVERY OF PAINTINGS AT CERTAIN TEMPLES AT CONJEEVARAM AND TANJORE

258. ***Mr. C. N. Muthuranga Mudaliar :** (a) Are Government aware of the fact that some old and interesting paintings have been discovered in the Kailasanathar Temple at Conjeevaram, the Brihadiswara Temple at Tanjore and the Jain temple at Tirupparuttikundram near Conjeevaram ?

(b) Is the Superintendent of Archæology, Southern Circle, making any attempts to preserve them from decay ? If not, why not ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) Of the three temples mentioned by the Honourable Member only the Kailasanathar Temple is a protected monument. But as it is privately owned and in religious use, the scope of any measures for the preservation of the paintings thereon is necessarily limited. Negotiations for making the other two temples protected monuments are in progress

Mr. C. N. Muthuranga Mudaliar : Has any negotiation been carried on with the trustees of Kailasanathar Temple so as to give greater scope for preservation of the inscriptions ?

Sir Girja Shankar Bajpai : I understand that the Superintendent of the Circle concerned is in negotiation with the Trustees ?

Mr. M. Ananthasayanam Ayyangar : What is the amount spent per year on the preservation of all the monuments in the Madras Presidency ?

Sir Girja Shankar Bajpai : I want notice of the question.

DISCOVERY OF BUDDHIST IMAGES AT NEGAPATAM.

259. ***Mr. C. N. Muthuranga Mudaliar :** (a) Are Government aware of the fact that a fresh find of a large number of Buddhist images was recently discovered at Negapatam ?

(b) Does the Superintendent of Archæology propose to explore the site fully ? If not, why not ?

(c) Do Government propose to acquire the site and carry on excavations ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). No, as further digging of the site after the finds referred to did not reveal anything of archæological interest.

RESULTS OF EXCAVATIONS AT NAGARJUNAKONDA IN THE GUNTUR DISTRICT.

260. ***Mr. C. N. Muthuranga Mudaliar :** (a) Will Government be pleased to state the action taken by the Superintendent of Archæology, Southern Circle, Madras, in placing before the public the results of the excavations that were carried on at Nagarjunakonda in the Guntur District ? If no action has been taken, what are the reasons for not doing so ?

(b) Will Government be pleased to lay on the table a list of the various publications of the present Superintendent of Archæology, Southern Circle, Madras, on Hindu, Buddhist and Muslim archæology and architecture ?

(c) Do Government consider such publications as an essential qualification and integral part of the official routine of the various officers in the Department of Archæology ?

Sir Girja Shankar Bajpai : (a) A preliminary account of the excavations at Nagarjunakonda was published by the Director General of Archæology in India in the principal Indian newspapers in 1930. The question of entrusting the preparation of a full report of the excavations to Mr. A. H. Longhurst, formerly Superintendent, Archæological Survey, Southern Circle, who himself conducted the excavation and the distinguished archæologist, Dr. J. Ph. Vogel of Leiden has been under the consideration of the Director General of Archæology in India for some time past.

(b) No separate publications have been issued by the present Superintendent but he has regularly contributed to the Annual Reports of the Archæological Department.

(c) Every officer of the Department is expected to be able to write about the subject in which he is a specialist.

Prof. N. G. Ranga : Is it a fact that some of the finds are proposed to be sent to the Madras Museum and the London Museum ?

Sir Girja Shankar Bajpai : I am not aware of any proposal for sending any of the finds to the London Museum, but, so far as the allocation to the Madras Museum is concerned, I shall supply my Honourable friend with a copy of Government orders on the subject which indicate the principles on which such allocation takes place.

Mr. C. N. Muthuranga Mudaliar : With regard to the answer to part (a), for how long has this been under the consideration of the Government and when it will materialise ?

Sir Girja Shankar Bajpai : The finds, or rather the process of finding, was completed in 1931, and, inasmuch as it has not been possible to arrange for the bringing out of a book because the terms have not yet been settled with Dr. Vogel, I cannot say how long it will take.

Prof. N. G. Ranga : In view of the fact that these finds are of special interest to the Andhras in the Andhra country, will Government consider the advisability of keeping as many of these finds as possible in the Bezvada museum and the rest of them preserved at Nagarjunakonda alone ?

Sir Girja Shankar Bajpai : I have already explained to my Honourable friend that there are regular orders indicating the principles on which distribution takes place. I cannot give my Honourable friend an undertaking about keeping these finds in the Bezvada Museum, but I will have the suggestion considered.

Prof. N. G. Ranga : Are proper steps being taken for the preservation of these finds at Nagarjunakonda ?

Sir Girja Shankar Bajpai : Of course

Mr. C. N. Muthuranga Mudaliar : Are these annual reports referred to in answer to part (b) available in the Library ?

Sir Girja Shankar Bajpai : No separate publications have been issued by the present Superintendent, but he has regularly contributed to the annual reports of the Archæological Department

Mr. C. N. Muthuranga Mudaliar : Are these annual reports available in the Library of the House ?

Sir Girja Shankar Bajpai : I should think so.

Mr. C. N. Muthuranga Mudaliar : With regard to the answer to part (c) that you expect every officer of the Department to write about the subject in which he is a specialist, may I ask whether the officers have been doing so, so far ?

Sir Girja Shankar Bajpai : I have already answered that in reply to part (b) that the Superintendent of Archæology has been regularly contributing to the annual reports.

TECHNICAL QUALIFICATIONS OF THE SUPERINTENDENT OF ARCHÆOLOGY, SOUTHERN CIRCLE, MADRAS.

261. ***Mr. C. N. Muthuranga Mudaliar :** (a) With reference to answer to part (c) of question No. 1537, answered on Friday, the 5th

April, 1935, will Government be pleased to state whether Indians qualified both in archæology and architecture are available for the post of the Superintendent of Archæology, Southern Circle, Madras ?

(b) If so, are Government prepared to appoint such a person to the Southern Circle and utilize the services of the present Superintendent in a place where an architect alone will be useful ?

Sir Girja Shankar Bajpai : (a) and (b). Government do not accept the suggestion that the officer referred to by the Honourable Member has only architectural qualifications. They regret that no officer better suited for the charge of the Southern Circle is available for posting to this circle at present.

Mr. C. N. Muthuranga Mudaliar : Will the Honourable Member refresh his memory by referring to the answer which he gave to question No. 1537 referred to in this part ?

Sir Girja Shankar Bajpai : I took particular care to refresh my memory not once, but a dozen times before giving my answer to the present question. I do not think that anything that I said in the previous question is inconsistent with the reply that I have given to the present question.

Mr. C. N. Muthuranga Mudaliar : Will the Honourable Member state.....

Mr. President (The Honourable Sir Abdur Rahim) : Next question. The Chair does not think the House is very much interested in that.

CONFIRMATION OF A FOREIGN EXPERT IN THE ARCHÆOLOGICAL DEPARTMENT.

262. **Mr. C. N. Muthuranga Mudaliar :** (a) Has the attention of Government been drawn to the last paragraph of the Simla Correspondent's letter of the 14th June, to the *Hindu*, regarding the confirmation of a foreign expert in the Archæological Department ?

(b) Is it a fact that Government are contemplating the appointment of a non-British foreign scholar, now on special duty, to the post of Superintendent of Archæology, which was recently advertised for ?

(c) Are qualified Indians not available for the place ? If Indians are available, do Government propose to consider their claims before making the appointment ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). The recommendations of the Public Service Commission for filling the vacant post of an Assistant Superintendent in the Archæological Survey of India are under consideration.

Mr. C. N. Muthuranga Mudaliar : Is it not a fact that a knowledge of Indian languages and Indian conditions is a pre-requisite for the appointment of anybody to this post ?

Sir Girja Shankar Bajpai : That fact was actually advertised.

Mr. C. N. Muthuranga Mudaliar : Did the Public Service Commission select this particular foreign scholar referred to in this clause ?

Sir Girja Shankar Bajpai : I have not suggested anything to that effect in my reply.

Mr. C. N. Muthuranga Mudaliar : In making this appointment, will Government take into consideration the extra cost involved in appointing a foreign scholar by means of overseas allowance, etc. ?

Sir Girja Shankar Bajpai : My Honourable friend is not quite correct in assuming that merely, because the person appointed is a foreign scholar, he is automatically entitled to overseas allowance. The answer I have given is that the question is under consideration.

Mr. M. Ananthasayanam Ayyangar : How many persons appeared before the Public Service Commission ? How many Indians and how many Europeans ?

Sir Girja Shankar Bajpai : Twelve people appeared before the Public Service Commission of whom one was a European.

USE OF THE ARMY LANDING GROUNDS AT AGRA AND AHMEDABAD BY HIS HIGHNESS THE MAHARAJA OF KASHMIR AND PRINCE MIDWANI.

263. ***Mr M Asaf Ali :** (a) Is it a fact that landing grounds belonging to the Army are not open to civil machines in normal times ? If so, why ?

(b) Is it a fact that despite this general restriction, His Highness the Maharaja of Kashmir and Prince Midwani were allowed to use Army landing grounds at Agra and Ahmedabad ? For what reasons were these exceptions made ?

Mr. G R F. Tottenham : (a) Yes, because they are required for Army purposes, but exceptions are allowed in special cases.

(b) In February, 1935, permission was accorded by His Excellency the Commander-in-Chief, as a special case, to the use of the military landing ground at Ahmedabad by His Highness the Maharaja of Kashmir on his journey to and from Bombay. Prince Midwani was refused permission to use the military landing ground at Agra

Mr M. Asaf Ali : How many such landing grounds are owned by the Army ?

Mr. G R F. Tottenham : I could not say off-hand.

Mr. M. Asaf Ali : A rough idea.

Mr. G. R. F. Tottenham : I could not give even a rough idea, without being inaccurate.

Mr. M. Asaf Ali : May I know if these landing grounds are ever likely to be thrown open to civil aviation ?

Mr. G. R. F. Tottenham : The whole question is at present under consideration.

Mr M. Asaf Ali : How far have you proceeded in your consideration ?

Mr. G R. F. Tottenham : At present we are discussing the conditions under which particular military areas may be used for civil aviation.

AEROPLANE FORMERLY IN THE USE OF HIS EXCELLENCY THE VICEROY.

264. *Mr. M. Asaf Ali : (a) On what terms has the aeroplane, formerly in the Viceroy's use, been given to the Indian National Airways ?

(b) Do the Indian National Airways get Rs 9,000 annually for keeping it in good trim ?

(c) If so, was this plane available for the evacuation of refugees from Quetta, immediately after the earthquake and was it so used ? If not, why not ?

(d) Was this machine requisitioned for the purpose mentioned above, and did it return to the Delhi Aerodrome after reaching some place in the Punjab, because it was not found airworthy ?

The Honourable Mr. D. G. Mitchell : (a) and (b). A copy of the heads of the agreement is laid on the table. I would refer the Honourable Member to head (5).

(c) and (d). The machine was available for the evacuation of refugees from Quetta. It was requisitioned for the purpose and started on the flight to Multan on the morning of the 9th June. The pilot was obliged to return to Delhi owing to strong head winds and on inspection it was found that one engine was defective. On the following day the particular emergency (the evacuation of certain infectious cases from Quetta) for which the machine had been requisitioned had passed, and the machine was not requisitioned again.

Heads of agreement between the Government of India and Indian National Airways for operation of Aircraft VT-ACT

(1) Indian National Airways, Limited, will take delivery of the machine together with all log books and relevant certificates at the Royal Air Force Aircraft Park, Lahore, on or about the 6th October and will give to the Officer Commanding the Aircraft Park a signed receipt for the aeroplane and all items of equipment taken over

(2) Such airframe spares for the Avro X as may now be held by the Royal Air Force will be handed over to the charge of Indian National Airways, Limited, for use on VT-ACT only. Any balance of spares unused and not recorded as used in the aircraft and engine log books will be returned with the aeroplane on the termination of this agreement

(3) Indian National Airways, Limited, will throughout the year always maintain a flying and maintenance crew in Delhi of such numbers and qualifications as may be approved by the Director of Civil Aviation.

(4) Indian National Airways, Limited, will provide one Armstrong Siddeley Lynx IVC engine as a spare for VT-ACT, together with the requisite stock of engine spares, and such airframe spares as may be necessary in addition to those handed over by Government. This spare engine and such spare parts as have not been fitted into the aircraft or engines will remain the property of Indian National Airways, Limited.

(5) The Government of India undertake to pay Indian National Airways, Limited, Rs. 1,800 per month in advance for the first 6 months of the year as a contribution towards the cost of the maintenance of the necessary staff to be kept as required in paragraph 3 above. Although during the second six months Government will not be paying contribution the obligation of the Company to maintain the staff will remain.

(6) The Avro X will be made available for Government use complete with crew whenever required, provided that not less than 7 days' notice is given to Indian

National Airways, Limited, that the aeroplane is required. When being so used, no payment will be made to Indian National Airways, Limited, other than the detention charge provided in paragraph 8 up to a total of 15 hours in any one calendar month or up to a total of 90 hours flying in any one year, but Government will bear the expenditure actually incurred in the course of the flight, including petrol and oil, landing and housing fees and the outstation allowances of the crew. In respect of any flying on Government service over and above 15 hours in any one calendar month or over and above 90 hours in any one year, Indian National Airways, Limited, will be paid at the rate of Rs. 120 an hour in addition to the detention charge and actual expenses as referred to above.

(7) If the Avro X is required for the conveyance of His Excellency the Viceroy or Her Excellency the Countess of Willingdon, Indian National Airways, Limited, will provide a second pilot, a wireless operator and such other crew as may be approved by the Director of Civil Aviation. The actual expenses incurred in bringing such additional crew to Delhi will be repaid to Indian National Airways, Limited.

(8) When the aeroplane is used on Government service including that of Their Excellencies away from Delhi, Indian National Airways, Limited, will be paid a detention allowance for the crew of Rs. 50 for each 24 hours they are absent from Delhi, subject to a deduction of Rs. 50 for each four hours of flight on any particular tour.

(9) Indian National Airways, Limited, will be permitted to use the aeroplane on their own business, subject to the requirements of Government as set out above. If in the course of this commercial flying, it is intended that the aeroplane shall be absent from Delhi for a period longer than 48 hours, prior intimation will be given by the Company to the Director of Civil Aviation to ensure that any projected use of the machine for Government service is not interfered with.

(10) No charge will be made by Government to Indian National Airways for use of the aeroplane on their own business up to a maximum of 60 flying hours a month, which free allowance shall be cumulative up to three months. In respect of any flying on the Company's business in excess of this total the Company will pay Government at the rate of Rs. 30 per flying hour.

(11) While being flown on the Company's business, Indian National Airways, Limited, will insure the Avro X against all risks when not in Government service including flying risk, third party risk and risk of damage on the ground for the value of £3,000, and they will indemnify the Government of India against all claims arising out of such use of the aeroplane. Indian National Airways, Limited, are not required to insure the Avro X against risks incurred while she is being flown or is away from Delhi on Government service, nor against risks incurred while the aeroplane is housed in Government hangar at Delhi.

(12) No charge will be made by Government for housing the aeroplane in the Government hangar at Delhi nor for landing and housing charges incurred while the Avro X is being used on Government service. Indian National Airways, Limited, will be required to pay the normal landing charges while the aeroplane is flying on the Company's business and the normal charges for housing in hangars including Government hangars other than at Delhi, while the aeroplane is being used on the Company's business.

(13) This agreement will have effect in the first instance for a period of 12 months.

Mr. M. Asaf Ali : I understood the Honourable Member to say that one of the engines was found to be out of order. Does it mean that the machine was available for evacuation on that day?

The Honourable Mr. D. G. Mitchell : That was discovered after the pilot had gone some distance against strong head winds. He then realised that his machine was not up to full strength, and very wisely returned and had a further examination carried out. On the ordinary morning tests the machine had run up to normal revolutions and appeared to be all right when it left the aerodrome.

Mr. M. Asaf Ali : With reference to the agreement that has been laid on the table, may I know if any tenders were invited from other companies before the agreement was entered into, for the maintenance of this aeroplane ?

The Honourable Mr. D. G. Mitchell : So far as I am aware, no.

Mr. M. Asaf Ali : Why not ?

The Honourable Mr. D. G. Mitchell : It is not the sort of matter for which tenders are ordinarily called, and I doubt very seriously if anybody else would have tendered.

Mr. M. Asaf Ali : Are there any other companies in existence or are there not ?

The Honourable Mr. D. G. Mitchell : Not operating in Delhi, so far as I know.

Mr. M. Asaf Ali : What about the Himalayan Transport Company ?

The Honourable Mr. D. G. Mitchell : The Himalayan Transport Company was not at that time operating in Delhi.

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

Mr. M. Asaf Ali : Sir, may I ask another supplementary question ?

Mr. President (The Honourable Sir Abdur Rahim) : At this rate we will never finish these questions of which already there are more than one thousand, and it will be unfair to other Honourable Members who have put down questions if they do not get a chance at all.

Mr. M. Asaf Ali : I will ask only one more question, Sir. Are Government contemplating another agreement with the National Airways for maintaining both the old and the new aeroplanes of the Viceroy ?

The Honourable Mr. D. G. Mitchell : Yes, Sir.

Mr. M. Asaf Ali : Have they invited any tenders now ?

The Honourable Mr. D. G. Mitchell : No, Sir.

Mr. M. Asaf Ali : Why not ?

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

Mr. M. Asaf Ali : May I have the answer to my last question, Sir ?

Mr. President (The Honourable Sir Abdur Rahim) : The Chair thinks sufficient has been answered already.

CENSUS OF THE UNEMPLOYED PERSONS IN BRITISH INDIA.

265. ***Mr. M. Asaf Ali :** (a) Will Government be pleased to state the actual number of the unemployed among (i) educated middle classes, (ii) agricultural labourers, (iii) other labourers ?

(b) Are Government prepared to consider the desirability of ordering an accurate census of the unemployed in British India ?

The Honourable Mr. D. G. Mitchell : (a) and (b). I propose, with your permission, Sir, to answer both parts together. As the second part of the Honourable Member's question indicates, no statistics of the kind mentioned in the first part are available. The question of

collecting statistics is primarily one for Local Governments but, as has been explained on more than one occasion in this House, the Government of India do not believe that figures of any value could be collected in the absence of a system of financial benefits for the unemployed. An attempt was made at the 1931 census to collect figures of unemployed graduates but even this limited attempt to collect figures relating to educated person gave no satisfactory results

Prof. N. G. Ranga : Have Government studied the report of Sir Tej Bahadur Sapru's Committee on middle class unemployment in the United Provinces ?

The Honourable Mr. D. G. Mitchell : I understand Sir Tej Bahadur Sapru's report has not yet been published.

Prof. N. G. Ranga : Will Government consider the advisability of making a preliminary inquiry at least into the unemployment that is prevailing in Centrally administered areas ?

The Honourable Mr. D. G. Mitchell : I do not see that an inquiry limited to such a narrow area will be of any great value.

Mr. M. S. Aney : Will the Honourable Member explain what he means by saying that a limited inquiry will not give any satisfactory results ? Was he unable to collect the figures ?

The Honourable Mr. D. G. Mitchell : If the Honourable Member will read the Census Report for 1931, he will find there all the information that he requires.

Mr. N. M. Joshi : May I ask if Government propose to provide financial benefits for the unemployed ?

The Honourable Mr. D. G. Mitchell : There is at present no such scheme in contemplation.

PROHIBITION OF RELIEF PARTIES IN QUETTA AND BALUCHISTAN AFTER THE EARTHQUAKE.

266. ***Seth Haji Abdoola Haroon :** (a) Will Government be pleased to state why relief parties were not allowed in Quetta and Baluchistan soon after the earthquake which recently took place on that side ?

(b) Will Government be pleased to state what prevented them from recruiting men of the labour class from Sukkur, Shikarpur, Multan, Lyallpur, etc., forthwith, for saving the lives of thousands of people ?

(c) Was it not suggested at the very outset to begin digging work at Quetta for the benefit of the sufferers ?

Mr. G. R. F. Tottenham : (a) to (c). I think the Honourable Member will find answers to all parts of this question in the pamphlet "The Quetta Earthquake, 1935", copies of which have been sent to all Members of the House.

DISTRIBUTION OF PROPERTIES TO THEIR OWNERS IN QUETTA.

267 ***Seth Haji Abdoola Haroon :** (a) In connection with the recent Quetta earthquake, will Government be pleased to state in what way they propose to hand over properties to the individuals of Quetta.

who have lodged their statements of losses with the District Collectors and Commissioners for securing their properties ?

(b) Do Government propose to form a Committee of officials and non-officials, without delay, with the co-operation of certain Quetta residents to undertake the task of handing over the said properties to the owners ?

Mr. J. G. Acheson : (a) The Honourable Member is referred to Chapter VI of the pamphlet "The Quetta Earthquake, 1935", a copy of which has been sent to him.

(b) In view of the arrangements already made the answer is in the negative.

EARTHQUAKE RELIEF MEASURES IN BALUCHISTAN.

268. ***Seth Haji Abdoola Haroon :** Will Government lay on the table a statement showing the relief measures extended by Government in the earthquake smitten villages of Baluchistan up till now ?

Mr. J. G. Acheson : I would refer the Honourable Member to Chapters V and VI of the pamphlet "The Quetta Earthquake, 1935", a copy of which has been supplied to him.

GRIEVANCES OF THE PILGRIMS TO THE HEDJAZ.

269. ***Sir Muhammad Yakub :** (a) Has the attention of Government been drawn to a printed report by Khan Bahadur Alhaj Muhammad Habibullah Khan, a retired Deputy Collector of the United Provinces and a prominent member of the Court of the Aligarh Muslim University, and others, dated the 16th April, 1935, addressed to the Chairman, Port Haj Committee, Bombay, with reference to "some grievances of pilgrims to the Hedjaz" ?

(b) Have Government taken any steps to ascertain and redress the grievances of the pilgrims to the Hedjaz, contained in the pamphlet mentioned in part (a) ? If not, why not ?

(c) Is it a fact that during the last Haj season, no dates of sailings were advertised at Jeddah ? If so, what steps were taken against the person or persons responsible for the negligence ?

(d) Is it a fact that there was no one to supervise the embarkation of the pilgrims at Jeddah during the last pilgrimage season ? If so, what action was taken by Government in this connection ?

Sir Giria Shankar Bajpai : Sir, with your permission, I shall answer questions Nos. 269 and 270 together. Government have seen the report referred to by the Honourable Member. The points arising out of this and other reports received by Government on the working of the arrangements for the Haj Pilgrimage during the last pilgrim season are under examination. Government propose to refer these to the Standing Haj Committee of the Central Legislature as soon as possible and hope that as a result of their own examination and with the advice of the Committee, it may be possible to remove defects that come to light.

Sir Muhammad Yakub : Will this investigation and consideration by Government result in some practical scheme before the next Haj season comes ?

Sir Girja Shankar Bajpai : We propose to hold a meeting of the Standing Haj Committee on the 21st of this month, and it will certainly be our endeavour to get the results out by the beginning of October which is well in advance of the next Haj season.

Dr. Ziauddin Ahmad : Will their findings be circulated amongst the Members of the Assembly ?

Sir Girja Shankar Bajpai : I shall consider that suggestion.

COMPLAINTS AGAINST THE OFFICERS ON S. S. "RAHMANI".

†270. ***Sir Muhammad Yakub :** (a) Is it a fact that S.S. "Rahmani" cannot accommodate one thousand six hundred and one deck, 20 second class and 30 first class passengers allotted to it ? Do Government propose to reduce the number of passengers sanctioned for this boat ?

(b) Considering the grave complaints about the discourtesy and bad treatment on board the S.S. "Rahmani", do Government propose to order the shipping company concerned to remove all the officers against whom complaints are made ?

SCHEMES FOR RURAL DEVELOPMENT WORK.

271. ***Mr S Satyamurti :** Will the Honourable the Finance Member be pleased to state .

(a) Whether he has received the proposals from the Local Governments about the manner of spending the Government of India grant for rural development work ;

(b) whether those schemes have been examined by the Government of India and they satisfy the tests laid down by the Honourable the Finance Member in his speech ; and

(c) whether Government have issued or propose to issue any instructions to the effect that no expenditure is to be incurred by the Local Governments out of this grant, unless the schemes have been sent up to and approved by the Government of India ?

The Honourable Sir James Grigg : (a), (b) and (c). I would refer the Honourable Member to parts (a) and (b) of my reply to Mr. Basanta Kumar Das's question No. 162 and to the statement referred to therein.

Mr. S. Satvamurti : Sir, I will put only part (c) of this question, and not the other parts.

The Honourable Sir James Grigg : As regards (c), I think it is clear from the White Paper which has been laid on the table that every single scheme has been approved by the Government of India.

†For answer to this question, see answer to question No. 269.

Mr. S. Satyamurti : May I ask what steps Government have taken or propose to take to see that provincial Ministries do not use this money for electioneering purposes, in view of the elections next year ?

The Honourable Sir James Grigg : I may say, if it is necessary to answer a question of that sort at all, that in the case which my Honourable friend has in view, I made special inquiries from the Government concerned and that Government extremely resents that I should have even dared to pass on such a malicious insinuation ; for the rest we can rely on the sense of decency of Provincial Governments

Prof. N. G. Ranga : In view of the fact that in the report circulated by the Government of India on this particular grant, special mention is made of the depressed classes for water facilities only in Bihar and Orissa and Madras, will Government consider the advisability of instructing the other Provincial Governments also to see that suitable provision is made for the provision of water supply facilities for depressed classes ?

The Honourable Sir James Grigg : I have not the slightest doubt that those Governments which are embarking upon water supply schemes,—which are practically all of them,—are fully aware of their responsibilities to the depressed classes in this matter.

ACCOMMODATION ALLOWED TO A DECK PASSENGER IN THE COASTAL PASSENGER STEAMERS.

272. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they are aware that the rule providing a minimum space of six square feet for a deck passenger in the coastal passenger steamers causes great hardship ;
- (b) whether they have examined the actual working of the rule ; and
- (c) whether they propose to alter the rule so as to provide at least twelve square feet as minimum accommodation for deck passengers ?

The Honourable Sir Muhammad Zafrullah Khan : (a) There is no such rule in force.

(b) and (c). Do not arise.

Mr. S. Satyamurti : Is there any practice at all like that, actually providing only six square feet as the minimum space for passengers ?

The Honourable Sir Muhammad Zafrullah Khan : The rules actually lay down the minimum requirements but they are not as stated in the question.

Mr. S. Satyamurti : What is the minimum prescribed by the rules ?

The Honourable Sir Muhammad Zafrullah Khan : The minimum prescribed is from eight square feet to 15 square feet per passenger according to the length of the voyage and the season during which

the voyage is made. The ordinary prescribed minimum is now eight square feet per passenger, but for certain very short voyages the minimum is $7\frac{1}{2}$ square feet.

Mr. S. Satyamurti : What is the answer to clause (b) ? Have they examined the actual working of the rule, and, are they satisfied that these minima are always provided in these voyages ?

The Honourable Sir Muhammad Zafrullah Khan : Since the introduction of these rules the purport of which I have already submitted, Government are satisfied that they are on the whole being adhered to.

Mr. S. Satyamurti : Not merely on the whole, Sir, but are they observed in each case, and does the Honourable Member know that even the exceptions might cause great hardship to the unfortunate passengers ?

The Honourable Sir Muhammad Zafrullah Khan : So far as the allotment of space is concerned, Government are satisfied that they are being observed : when I used the expression " on the whole ", I merely wanted to safeguard against any charge being made that each individual passenger's case had not been examined with regard to each voyage ; that was the meaning of " on the whole " : occasionally there is restricted space, not because proper space has not been allotted but because some passengers are in the habit of taking too much baggage along with them in the space allotted to them ; but that is not a contravention of the rule on the part of the company ; and too great a restriction with regard to this matter might result in hardship to the deck passengers.

Mr. S. Satyamurti : What is the answer to clause (c) ? Will Government consider the suggestion of providing 12 square feet as minimum accommodation ?

The Honourable Sir Muhammad Zafrullah Khan : Government do not at present think that the rules do not provide for sufficient accommodation.

RESOLUTIONS PASSED AT THE INDIAN DECK PASSENGERS CONFERENCE HELD AT VIZAGAPATAM.

273 ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have received copies of resolutions Nos. 8 and 9, passed at the Indian Deck Passengers Conference held at Vizagapatam on the 17th June, 1935 ;
- (b) whether they propose to take steps to improve the conditions of travel on the lines suggested in the resolution, and if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) The suggestions made in the resolutions in question are under consideration.

Prof. N. G. Ranga : Are Government aware that conditions of supply of food for deck passengers are very bad indeed ?

The Honourable Sir Muhammad Zafrullah Khan : I do not think there is anything with regard to the supply of food in the resolutions referred to in the question.

Prof. N. G. Ranga : Are Government aware that there is no protection at all for deck passengers from rain or sun ?

The Honourable Sir Muhammad Zafrullah Khan : No, Government are not aware that there is no protection whatever from sun or rain.

Prof. N. G. Ranga : Are Government aware that the kitchens are situated close to the latrines there and are in a very unhealthy condition ?

The Honourable Sir Muhammad Zafrullah Khan : If that refers to all steamers with respect to third class accommodation, Government do not accept the allegation as correct.

Prof. N. G. Ranga : Will Government try to ascertain facts with regard to this in view of the fact that I myself had been a deck passenger and have had personal experience of this inconvenience ?

The Honourable Sir Muhammad Zafrullah Khan : If the Honourable Member will supply definite information on that point, Government will be only too happy to look into the question.

**BILL IN CONNECTION WITH THE FEDERAL RAILWAY AUTHORITY AND
SETTING UP OF PROVINCIAL PUBLIC SERVICE COMMISSIONS.**

274. ***Mr. S Satyamurti :** Will Government be pleased to state :

- (a) whether they are considering any proposal for a Bill in connection with the Federal Railway Authority to be placed before this House ;
- (b) if so, when the Bill is expected to be brought before this House ; and
- (c) whether there is any similar proposal with regard to setting up Public Service Commissions in all the Provinces ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) Possibly during 1936.

(c) No legislation other than that contained in sections 265 and 266 of the Government of India Act, 1935, is, I believe, required for the establishment of provincial Public Service Commissions.

Mr. S. Satyamurti : May I know if this Bill is going to be introduced during the cold weather Session or the autumn Session of next year ?

The Honourable Sir Muhammad Zafrullah Khan : I am at present unable to specify during which Session it will be possible for Government to introduce this legislation.

Mr. Lalchand Navalrai : May I know when these Public Service Commissions in the provinces will be set up ?

The Honourable Sir Muhammad Zafrullah Khan : That is for the provinces to say.

Mr. S. Satyamurti : May I take the answer to (c) to mean that, so far as all-India legislation is concerned, there is no need for all-India legislation ?

The Honourable Sir Muhammad Zafrullah Khan : That is the meaning.

REPORT OF MR. K. P. S. MENON ON THE EFFECT OF THE MARKETING ORDINANCES ON INDIAN SETTLERS IN EAST AFRICA.

275 ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the reasons why the report of Mr. K. P. S. Menon on the effect of the marketing ordinances on Indian settlers in East Africa was not published before the end of June ;
- (b) whether Government have made representations to the Kenya Government on the Kenya Bill ;
- (c) whether Government's attention has been drawn to the leading article in the *Hindu*, dated the 25th of June, 1935, on this subject ;
- (d) what steps, if any, Government propose to take to protect Indian interests in Kenya ; and
- (e) whether Government propose to consult this House on the question ?

Sir Girja Shankar Bajpai : (a) As in the case of Mr. Menon's report on Zanzibar, Government waited for the publication of the Report until the views of the Governments of Tanganyika, Uganda and Kenya were available.

(b) Yes.

(c) Government have seen the article referred to by the Honourable Member.

(d) and (e). As a result of representations already made by the Government of India, several important amendments have been made in the Bill that was first published. The Secretary of State for the Colonies has agreed that the provisions of the Bill, as passed by the Kenya Legislative Council, should not be brought into operation until he has considered it further. The Government of India will examine the Bill, as passed, and will then decide whether any further action on their part is called for. Government do not think at present that it will be necessary to consult the House.

Mr. S. Satyamurti : At a later stage, before Government make their final recommendations on this matter to the Governments concerned, will they be good enough to consult this House ?

Sir Girja Shankar Bajpai : I cannot give any undertaking on that point, because I do not know whether the House will be sitting.

GRIEVANCES OF INDIANS DOMICILED IN SOUTH AFRICA.

276. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the latest position of Indians domiciled in South Africa ;
- (b) the grievances from which they are still suffering ; and
- (c) what steps, if any, they propose to take to redress these grievances ?

Sir Girja Shankar Bajpai : (a) For a comprehensive account of matters of comparatively recent interest relating to Indians resident in South Africa, the Honourable Member is referred to the annual reports of the Agent of the Government of India in the Union, copies of which will be found in the Library.

(b) and (c). The most pressing grievance of Indians arises out of disabilities connected with the occupation and ownership of land in the mining areas of the Transvaal. This subject is under investigation by a special commission which the Government of the Union of South Africa appointed on the 4th October, 1932, in pursuance of representations made by the Government of India. Administration of the licensing laws has also been the subject of complaints from time to time. The Government of India delegation to the first Cape Town Conference suggested an overhauling of these laws but this has not been found possible so far. Other grievances, primarily of an administrative character and local or individual in scope, are dealt with, as they arise, by the Agent of the Government of India in South Africa whenever his intercession is invoked or considered necessary by himself. The Honourable Member is, I am sure, aware of the efforts made by the Government of India on behalf of Indians in South Africa in the past. Their present and continuing contribution to this cause is the maintenance of an Agency in South Africa to watch over and assist in the solution of day to day problems and to promote, by all possible methods, that sympathetic understanding of Indian difficulties and Indian aspirations by the Government and people of the Union on which the redress of Indian grievances ultimately depends.

Mr. B. Das : Have Government not received so far the Feetham Commission's report, an extract of which has been published in the Indian press ?

Sir Girja Shankar Bajpai : Two parts of the Feetham Commission's report have been published, and I think copies have been placed in the Library of the House ; but those two parts do not complete the story : the third part is still awaited.

Mr. B. Das : Have Government examined these two parts and have they addressed the South African Government on these two parts ?

Sir Girja Shankar Bajpai : I think it will be premature for the Government of India to address the Government of the Union until the result of investigation of the whole problem has been published by the Commission.

Mr. B. Das : Has the attention of the Honourable Member been drawn to the press report which appeared in the *Statesman* and the *Hindustan Times* that the third part of the report will take time to be published and it will take a year or more ?

Sir Girja Shankar Bajpai : Not only do I take some interest in newspaper cuttings appearing on this subject, but the Agent in South Africa has instructions to report to us as occasion arises, regarding the progress of the Commission : and, as regards the information which my Honourable friend has imparted to me, I may enlighten him by saying that the completion of the third part of the report is shortly awaited.

Prof. N. G. Ranga : Are suitable facilities being provided to those repatriated Indians who wish to go back to South Africa because South India does not suit them ?

Sir Girja Shankar Bajpai : I do not think that that arises out of the answer that I have given.

ALLOCATION OF ASSETS AND LIABILITIES BETWEEN THE NEW ORISSA PROVINCE AND THE GOVERNMENT OF MADRAS.

277 **Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether there was any difference of opinion between the Madras Government and the Government of India on the question of the allocation of assets and liabilities between the new Orissa Province and the Government of Madras ;
- (b) what is the claim of the Madras Government ; and
- (c) what is the position of the Government of India ?

The Honourable Sir James Grigg : The Government of India have not yet formally considered these questions

Mr. S. Satyamurti : I want to ask what is the claim of the Madras Government ?

The Honourable Sir James Grigg : I am not prepared to disclose that.

Mr. S. Satyamurti : May I know the reasons why ?

The Honourable Sir James Grigg : Because the matter is still under consideration

Mr. B. Das : Is it not a fact that the Madras Government has been very grabbing in this matter ?

The Honourable Sir James Grigg : I will leave it to the two Honourable Members to settle between themselves

Mr. S. Satyamurti : But neither Mr Das nor I am the Finance Member of the Government of India

The Honourable Sir James Grigg : I saw a good many accounts from Madras sources of what the view of the Government of Madras was, and I suspect the Honourable Member knows pretty well what it is.

Mr. S. Satyamurti : But what is the position of the Government of India ?

The Honourable Sir James Grigg : As I say, the Government of India cannot have a view yet, because the question has not yet been formally considered.

Mr. B. Das : I hope the Government of India will be just.

Mr. S. Satyamurti : To Madras also !

FACILITIES ASKED FOR FROM GOVERNMENT BY AN AUTOMOBILE FACTORY IN INDIA.

278. **Mr S. Satyamurti** : Will Government be pleased to state :

- (a) whether they have been approached by the promoters of an automobile factory in India to raise the import duties to a higher figure on motor cars and bodies ;
- (b) whether they have been requested to agree to the purchase of cars and lorries required for the army from the factory ; and
- (c) what other facilities Government were asked to provide and what the answer of Government was ?

The Honourable Sir Muhammad Zafrullah Khan : (a), (b) and (c). Government have received no such representations.

DELAY IN THE PUBLICATION OF THE REPORT OF THE TARIFF BOARD ON THE GLASS INDUSTRY.

279. **Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) the reasons for the delay of three years in publishing the report of the Tariff Board on the glass industry ;
- (b) what the advice was which Government acted upon in turning down the Board's recommendation for protection to the industry ; and
- (c) whether they are prepared to obtain and act on the advice of this House in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I would invite the Honourable Member's attention to paragraph 4 of Government of India, Department of Commerce, Resolution No. 458-T. (14), dated the 22nd June, 1935.

(b) The Government of India were guided by the principles laid down in paragraph 1 (c) of the Resolution adopted by this House on February 16, 1923.

(c) No.

Mr. S. Satyamurti : If the Government say that in deciding this, they acted on the opinion of this House, may I know the reasons why they are not prepared to obtain and act on the advice of this House in this specific matter ?

The Honourable Sir Muhammad Zafrullah Khan : I did not say that, in deciding this matter, the Government of India acted on the advice of this House.

Mr. S. Satyamurti : The Honourable Member said on the Resolution of this House.

The Honourable Sir Muhammad Zafrullah Khan : On the principles contained in that Resolution

Mr. S. Satyamurti : Is there any difference between the Resolution and the principles contained in the Resolution ?

The Honourable Sir Muhammad Zafrullah Khan : Yes, Sir, there is a difference between the principles contained in that Resolution and the application of those principles to cases in actual practice.

Mr. S. Satyamurti : May I take it that in applying the principles they have departed from the decision of this House ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir ; Government claim that they are willing to accept the principles laid down in that Resolution, but they must be left to decide how to apply those principles to any particular cases, as it would be extremely embarrassing and would practically bring the administration to an end if whenever a question of the application of principles to particular cases arises the opinion of the whole House has to be taken rather than that the matter should be decided by the Executive Government.

Mr. S. Satyamurti : Will Government place the matter before the House for its opinion, and consider a change in their decision if the opinion of the House is against the decision of the Government ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. S. Satyamurti : Why not ?

The Honourable Sir Muhammad Zafrullah Khan : I have already given the reason.

Mr. S. Satyamurti : Because he wants to keep up the autocracy of Government ?

The Honourable Sir Muhammad Zafrullah Khan : No, Sir.

Mr. M. Ananthasayanam Ayyangar : Are Government aware that the Tariff Board Report is unanimous... .

Mr. President (The Honourable Sir Abdur Rahim) : Next question please.

NEGOTIATIONS FOR TRADE AGREEMENTS WITH THE IRISH FREE STATE, CANADA AND ITALY.

280. ***Mr S. Satyamurti :** Will Government be pleased to state :

- (a) at what stage the negotiations for trade agreements with the Irish Free State, Canada and Italy stand ;
- (b) when their agreements are expected to be concluded ; and
- (c) whether they will be placed before this House and if so, when ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The Honourable Member's attention is invited to the replies given to his starred questions Nos. 138, 139 and 209.

(c) Copies of such of the agreements as are eventually concluded with any of these countries will be laid on the table in due course.

Prof. N. G. Ranga : Is it not a fact, Sir, that we have an adverse balance of trade with Canada ?

Mr. President (The Honourable Sir Abdur Rahim) : That question does not arise.

DIFFERENCES BETWEEN EUROPEAN AND INDIAN MEMBERS OF THE INDIAN MEDICAL SERVICE IN THE MATTER OF PAYMENT OF RAILWAY FARES.

281. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether it is a fact that a Junior Indian Major of the Indian Medical Service travels first class on payment of full first class fare ;
- (b) whether a senior British Captain of the same service travels first class on payment of only a second class fare ; and
- (c) whether there are other such differences between Indian and European Members of this service, and if so, the reasons therefor ?

Mr. G. R. F. Tottenham : (a) and (b). I would refer the Honourable Member to the answer I gave on the 4th September, 1935, to Mr. V. V. Giri's starred question No. 116

(c) The distinction is not one of race.

Mr S. Satyamurti : I think, Sir, parts (a) and (b) have been answered. What is the answer to part (c) ? Are there Indian members of the service having this privilege, that is, of travelling first class on payment of second class fare ?

Mr. G. R. F. Tottenham : Certainly, Sir

INDIA'S BALANCE OF TRADE.

282. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether they have noted that the balance of trade in recent years is not as favourable to India as it was before ;
- (b) whether they have examined this question, and if so, what their conclusions are ; and
- (c) what steps, if any, they propose to take to bring the balance of trade in India's favour ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The Government of India have examined the question and they are of opinion that India's total balance of trade has not deteriorated in the past few years. If the Honourable Member has in mind the balance of trade in merchandise only, I would point out that the decrease in value of that balance may be entirely attributed to the fall in world commodity prices since 1929, but that measured in terms of the quantum of trade, the position in 1934-35 is comparatively better than the average of the three pre-depression years 1926-27, 1927-28 and 1928-29.

(c) In view of the fact that India's balance of trade is a favourable one, I presume that the Honourable Member wishes to know what steps are contemplated to increase that balance. The Government of India are at all times watchful of the interests of India's export trade and are prepared to take any steps which, in their opinion, are to its ultimate advantage. The Honourable Member will, however, realise that it is not within the power of the Government of India alone or of any other single Government to raise the world prices of primary commodities.

Mr. S. Satyamurti : I think I heard the Honourable Member say that the fall in the value of the trade may be due to the fall in world prices. What is the actual position, Sir ? Have Government examined the question, and have they come to any conclusion that this fall in prices is due to the fall in world prices, and not due to any other causes ?

The Honourable Sir Muhammad Zafrullah Khan : The Government of India have examined the position, and if the Honourable Member desires, and if you, Sir, will permit me, I am prepared to give him figures which would bear out what I say. Assuming that I have your permission, I shall proceed to give the figures. I am afraid the matter is a little bit complicated, but I shall try to make it as clear as possible. The average price levels of exports as measured by the Calcutta Index No. was 139 for the three year period 1926-29. The figure now stands at 76. There has thus been a fall of 45.3 per cent. in the value of exports. Corresponding indices for imports are 150 and 111. These figures represent duty paid prices, and after making adjustments on the average for 10 per cent. duties for the pre-depression period and 25 per cent. for 1934-35, the ex-duty indices will work out at 136.3 and 88.8. The result would be a fall, so far as the imports are concerned in the index prices of 34.8 per cent. That being so, without wearying the House too much with figures, if these falls are applied to the figures for exports and imports, the result would be as follows. The average of exports for these three years is 325.37 crores. If the fall in prices is applied, to this figure, (the fall is 45.3 per cent, and therefore if one has to work out the 55.47 per cent. of this figure), should have been 177.9 crores. The average imports for those years were 242.73 crores. That worked out with a fall of 34.8 per cent in the imports, would give the figure of 158.2 crores. On these figures the balance in the quantum of trade should have been a favourable balance valued at 19.7 crores. Actually the balance of merchandise in 1934-35 was valued at 23 crores.

Mr. S. Satyamurti : Have the Government considered that this favourable balance of trade,—I am trespassing on the Honourable the Finance Member's portfolio perhaps,—but since the Honourable the Commerce Member is answering this question, I want to know, if the Government have considered that this balance of trade, such as it is, is kept up largely by the export of gold ?

The Honourable Sir Muhammad Zafrullah Khan : The figures I have given relate to merchandise alone.

Mr. S. Satyamurti : I am talking of the entire balance of trade. Has the attention of the Honourable the Commerce Member been drawn to the fact that that favourable balance of trade, such as it is, is kept up by the export of gold ?

The Honourable Sir Muhammad Zafrullah Khan : The entire favourable balance of trade is composed of merchandise and gold. If the Honourable Member means if I have seen the figures ; I have seen them.

Mr. S. Satyamurti : Will he take steps to see that, excluding gold, the favourable balance of trade, which is not certainly anything like what it was some time ago, is kept up ?

The Honourable Sir Muhammad Zafrullah Khan : In Rupees not. In the quantum of trade, yes.

Mr. S. Satyamurti : Do Government consider for their purposes quantum of trade is more important than rupees ?

The Honourable Sir Muhammad Zafrullah Khan : No, but I am giving the position as it stands. I do not wish it to be implied from my answers that Government consider that no efforts should be made to improve the balance of trade.

Mr. S. Satyamurti : May I know what are the steps they are taking.....

Mr. President (The Honourable Sir Abdur Rahim) . A question like this cannot be satisfactorily discussed by means of a supplementary question.

Mr. M. Ananthasayanam Ayyangar : One supplementary question, Sir ?

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member cannot discuss this question in a supplementary question.

REFUSAL OF PERMISSION TO VISIT QUETTA FOR EARTHQUAKE RELIEF WORK.

283. **Mr S Satyamurti :** Will Government be pleased to state :

- (a) the names of the persons and the institutions who applied for permission to visit Quetta for earthquake relief work ;
- (b) whether any of them was permitted to visit Quetta ; and
- (c) the reasons why permission was refused to them to visit Quetta for this purpose ?

Mr. G. R. F. Tottenham : (a) I lay on the table a list of applications made between June 3rd, and July 23rd. Having regard to the conditions which prevailed after the earthquake it is not certain that this list is complete

(b) In addition to medical parties from Lahore, Amritsar and Karachi which worked at Quetta for a short time at the beginning of June, Mr. Hogg and fifty Rover Scouts from Lahore, were permitted to enter Quetta. More recently the Memon Relief Society (Calcutta) which had been doing good work in Karachi were offered permission to work in the rural areas near Quetta, but expressed their inability to undertake further relief work. Special facilities have also been given to religious bodies, as far as the state of the buildings warrant, to remove their books and other sacred objects and also to collect ashes.

(c) I refer the Honourable Member to Chapter IV of the pamphlet " The Quetta Earthquake, 1935 "

Names of persons and institutions who applied for permission to visit Quetta for relief work.

1. Ghanshamal, Karachi, for several representatives of Dera Ghazi Khan District.
2. 12 Sikh volunteers c/o Guru Singh Sabha, Karachi.
3. Dr. Hiralal, Meerut.

4. Amritsar Congress, 100 persons.
5. Sevasamiti Volunteers, Lahore, 20 persons.
6. Mr. H. Beal, Calcutta.
7. Vice-Chancellor, Aligarh University, party, no number.
8. 30 scouts from Sevasamiti, Jammu.
9. Punjab Congress Committee, no numbers.
10. Khan Bahadur A. A. Khan, Superintendent, Transportation, Railway, Allahabad.
11. N. W. Railway Accounts Union, Lahore, 2 members.
12. Relief Committee, Hyderabad (S.), 5 members.
13. Relief Committee, Hyderabad (S), 20 members.
14. Relief Party, Nagpur, if services needed (no numbers).
15. Delhi Muslim Quetta Relief Committee (no numbers).
16. Sevasamiti, Delhi (no numbers).
17. Captain A. E. Fitzpatrick, Murree.
18. Punjab Provincial Congress Committee, 20 volunteers.
19. Dr. Rajeshwar Singh, Ghaziabad, U. P.
20. Mr. Hogg and 50 Boy Scouts, Lahore.
21. Public of Phularwan (no numbers).
22. Karachi Indian Brokers Association (no numbers).
23. Baba Kartar Singh, Lahore (500 volunteers).
24. Hindu Seva Sadan, Hardwar, (20 volunteers).
25. Mr. Niranjare Lall, Gangab, Sahcupur.
26. Jamiatulamai Hind, Delhi, 3 volunteers
27. Major T. C. H. Shaw, Fern House, Murzapur Road, Ahmedabad
28. Mr. Sewa Singh, Overseer, B. and N.-W. Railway, Muzaffarpur.
29. Mr. S. M. G. Abbas Ali Khan, Alwar, Rajputana
30. Mr. Nand Lal, Rangamahar, Ujjain
31. The Kasht Nirawak Samiti, Agra, 10 volunteers.
32. Dr. Mehta Nandlal, Patna (party of doctors and engineers).
33. Vaish Orphanage, Meerut (3 persons).
34. Mr. P. Bharthi, Dinapore.
35. Mr. C. Franklin, *Ex-Services'* Association, Ajmer.
36. Mr. V. P. Chatterji, Calcutta
37. President, Orphanage, Patiala.
38. Mr. R. F. Hunter, Khanpur Road. Ahmedabad.
39. The Delhi Territorial Troop (India).
40. Mr. E. A. Richards, Kurunegala, Ceylon.
41. Rohri Panchayat.
42. Mr. Rabindranath Mukerji, Benares
43. 10 Boy Scouts from Bahraich
44. Mr. Nanath Chand Ratra, Indore
45. Baba Kartar Singh Bedi, Saharanpur (500 volunteers).
46. Sir Pheroze Sethna, Bombay, on behalf of Karachi Parsis.
47. Pribnidhi Maha Sabha, Rawalpindi (30 persons).

48. Sewa Samiti, Mardan (2 doctors and 15 boy scouts).
49. Mr. H. B. Maiske, Sindi (G. I. P. Railway), District Wardha
50. Dr. M. N. Sen, 93½, Bakul Bagan Road, Bhowanipur, Calcutta.
51. Assistant Secretary, Ramkrishna Mission, Belur, Howrah District, Bengal.
52. Mr. Mohamed Afzal, Jagir Lambardar, Mozang, Lahore, with 200 men and a qualified doctor.
53. Thakurdas Pribhdas Manghurmalam, B.A., LL.B., Advocate, Hyderabad (Sind).
54. Messrs. P. K. Mukherji and B. K. Chandra, C/o Mr. D. K. Roy, Main Hostel, Hindu College, Delhi
55. Mr. P. N. Barhanporey, C/o Yamunabai, Potfode, Dhantoli, Nagpur.
56. Memon Relief Society (Calcutta), Baluchistan Earthquake Relief Camp, Karachi.
57. Chaudhri Bansu Lal, M.L.C., Masti Gate, Lahore.
58. Mr. D. N. Nandanwar, Kostipura, Nagpur.
59. Mr. S. F. Lakhami, Narain Mahal, Hiraabad, Hyderabad (Sind).

Pandit Krishna Kant Malaviya : May I know why the All-India Seva Samiti organisation of Allahabad was refused permission ?

Mr. G. R. F. Tottenham : The reasons are explained in the pamphlet. There were no special reasons that were applied to special parties or special people. The reasons were the same for all.

Seth Haji Abdoola Haroon : May I ask why, in the beginning of June, two or three days after the earthquake, a Karachi party was allowed to go to Quetta and that party was then returned by the authorities back to Karachi ?

Mr. G. R. F. Tottenham : I do not know exactly which party the Honourable Member refers to, but I have stated in reply to part (b) of the question that a medical party from Karachi did go and work in Quetta for a short time.

Seth Haji Abdoola Haroon : But they were asked to return to Karachi and not to remain in Quetta.

Mr. G. R. F. Tottenham : I do not know whether they were asked to return to Karachi or whether they returned of their own accord

Mr. Lalchand Navalrai : May I know from the Honourable Member if parties are now freely allowed to go to Quetta for doing relief work ?

Mr. J. G. Acheson : I have no information, but I believe no parties have recently gone up in addition to those already present.

Mr. Lalchand Navalrai : But if any party wishes to go there ?

Mr. J. G. Acheson : It is a hypothetical question. All requests will be considered on their individual merits.

Seth Haji Abdoola Haroon : Is it a fact that the Memon Relief Party was permitted to go to Quetta after three months when their funds had been exhausted ? They had already finished their funds in Karachi and then the Government permitted them to go to Quetta.

Mr. G. R. F. Tottenham : I do not know.

Seth Haji Abdoola Haroon : Is it not a fact that, on account of barring the entry of people into Quetta for relief work, there have been heavy losses in the matter of both life and property in Quetta ?

Mr G. R. F. Tottenham : No, Sir.

EXCISE DUTY ON STEEL.

284. ***Mr. S Satyamurti :** Will Government be pleased to state :

- (a) whether their attention has been drawn to the report of the speech of the Chairman of the Tata Iron Steel Company at its last annual meeting, regarding excise duty on steel ;
- (b) whether they propose to remove the excise duty as early as possible ; and
- (c) if not, why not ?

The Honourable Sir James Grigg : (a) Yes

(b) and (c). I would refer the Honourable Member to the record of the debates on the Iron and Steel Duties Bill in July and August, 1934.

Mr. S. Satyamurti : Do not Government make any progress ? We are referred back for years. I want to know the present position !

The Honourable Sir James Grigg : The present position is precisely what it was in 1934. I have got all the extracts here, and with your permission, Sir, I will read a short one :

“ The Commerce Member (Sir Joseph Bhore) and myself (I was speaking) have both made our position in this matter absolutely clear, and if we went on paraphrasing and reiterating our views on that matter for a month I do not think we could make our position any clearer. Neither of us contemplate that this particular excise should form a permanent part of the fiscal system of this country. As to the time and circumstances in which it can be removed nobody can prophesy, but our desire and intention is that it should not be kept on a moment longer than it is necessary.”

Mr. S. Satyamurti : It is now one year. This was said in 1934, and has nothing happened in this one year for the Finance Member to give serious consideration to this question ?

The Honourable Sir James Grigg : In the first place, in matters of taxation, it is not usual to give advance notice of your intentions, and in the second place, the question of necessity is in the last resort one for the Government to determine

Mr. S Satyamurti : This excise duty is maintained merely for revenue purposes.

The Honourable Sir James Grigg : I have never heard of any excise duty being a protective duty before now. Quite the opposite

Prof N. G. Ranga : Is it not a fact that a very high dividend was declared last year ?

The Honourable Sir James Grigg : Does the Honourable Member want to increase the excise duty ?

Prof. N. G. Ranga : Is it not a fact that a very high dividend was declared by the Tatras at the last meeting ?

The Honourable Sir James Grigg : That seems to indicate that the excise duty is not felt as a hardship.

Pandit Nilakantha Das : Do Government contemplate the abolition of this excise duty when it will be financially possible for them to abolish the revenue duty ?

The Honourable Sir James Grigg : I meant precisely what I have said

Mr. M. Ananthasayanam Ayyangar : What is the amount of excise duty recovered year after year for the last two years ?

The Honourable Sir James Grigg : I cannot say offhand, but I believe it was Rs. 11 lakhs in the partial period of last year.

RESULT OF THE IMPOSITION OF AN IMPORT DUTY ON BROKEN RICE AND
PROHIBITION OF IMPORTS OF RICE FROM SIAM, INDO-CHINA, ETC.

285. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the result of the imposition of an import duty of 12 annas per maund on broken rice ;
- (b) whether it has resulted in any appreciable increase of prices ; and
- (c) whether Government are considering the prohibition of imports of rice from Siam and Indo-China, and fixing of quota from Burma ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The Honourable Member is referred to the reply given by me to parts (a) and (b) of his question No 194.

(c) No, Sir.

Mr. S. Satyamurti : Then the Government are not considering this question ?

The Honourable Sir Muhammad Zafrullah Khan : I believe I have explained the whole position in answer to the supplementary questions to the question referred to in my answer to parts (a) and (b) of the question. I gave reasons to show that the position was not such as to justify the kind of action suggested by the Honourable Member.

Mr. C. N. Muthuranga Mudaliar : With regard to the answer to part (b) of the question, may I ask the Honourable Member if the prices have not slightly fallen owing to the import of Siam rice during the month of August ?

The Honourable Sir Muhammad Zafrullah Khan : I have answered that question in the supplementaries. I laid on the table of the House a statement showing the prices up to the end of July, and then this question was put and my reply was that the figures with regard to the month of August had not become available and my reply is still the same.

Dr. T. S. S. Rajan : What about part (c) of the question, the fixing of a quota from Burma ? What is the answer to that question ?

The Honourable Sir Muhammad Zafrullah Khan : The answer was " No ".

Mr. S. Satyamurti : With regard to the fixing of a quota from Burma, are Government considering it ?

The Honourable Sir Muhammad Zafrullah Khan : No.

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

TERMS OFFERED FOR THE TRANSFER OF BRITISH SERVICE OFFICERS TO THE INDIAN ARMY.

286. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the reasons why they have offered attractive terms for the transfer of British Service Officers to the Indian Army ;
- (b) whether these terms are offered by the Army Council without consulting the Government of India ; and
- (c) if they were consulted, what their opinion in the matter was ?

Mr. G. R. F. Tottenham : (a) The Honourable Member's attention is invited to the reply I gave the other day to Mr. Ananthasayanam Ayyangar's starred question No. 170. It is true that, in order to increase the area of selection, certain conditions, which are normally imposed in the case of transfers, have been relaxed, *e.g.*, the age limit and the time within which officers must qualify at certain examinations, but financially the terms are exactly the same as they have always been.

(b) No. The terms were formulated by the Government of India, and sanctioned by the Secretary of State. The Army Council had considerable difficulty in sparing the officers and went out of their way to do so in order to meet Indian requirements

(c) Does not arise

DAMAGE BY EARTHQUAKE AND RE-BUILDING OF QUETTA.

287. ***Mr S Satyamurti :** Will Government be pleased to state :

- (a) whether they have considered, or are considering, the question of the continuance of Quetta as a civil and military station either on the present scale or on a reduced scale ;
- (b) the actual extent of damage to Government in the Civil and Military Department by the earthquake ; and
- (c) the expenditure proposed to be met by the Government of India for re-building Quetta either at the present or on some other site ?

Mr. G. R. F. Tottenham : (a) The Honourable Member's attention is invited to Chapter VIII of the pamphlet "The Quetta Earthquake, 1935". The matter is under consideration.

(b) and (c). The Honourable Member's attention is invited to my reply to Seth Haji Abdoola Haroon's starred question No. 163 on the 6th September, 1935.

Mr. S. Satyamurti : Was an estimate of expenditure given then ?

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Mr. G. R. F. Tottenham : If the Honourable Member would read the reply that I gave on the 6th September, the answer was .

“ The present estimate of the cost of reconstruction, which must necessarily be extremely rough, is between Rs. 7 and 8 crores.”

Mr. S. Satyamurti : May I know whether Government have considered, or are considering the means of finding this money ? Are they going to raise a loan ?

Mr. G. R. F. Tottenham : I think that question should be addressed to the Honourable the Finance Member.

Mr. S. Satyamurti : Have Government considered the question of the site ? Have they come to a conclusion on that point ?

Mr. G. R. F. Tottenham : No. The matter is still under consideration.

Seth Haji Abdoola Haroon : Is it possible, in the present state of the Government's finances, for this amount of Rs. 7 or 8 crores being spent on the reconstruction of Quetta ?

Mr. G. R. F. Tottenham : I think that question ought to be addressed to the Honourable the Finance Member and not to me

Seth Haji Abdoola Haroon : Are Government aware that I read day before yesterday an article in the *Statesman* that Karachi is a more suitable place for the Western Command than Quetta. Is not Karachi a more suitable place for the purpose ?

Mr. G. R. F. Tottenham : I do not know what the Honourable Member read in the paper the day before yesterday.

Mr. S. Satyamurti : May I ask the Honourable the Finance Member how he proposes to get this amount of Rs. 7 or 8 crores ? Does he propose to consult this House on the need for spending, and the means of raising this money ?

The Honourable Sir James Grigg : I would repudiate the suggestion that the question of the future policy regarding Quetta is a matter for me to bring before this House. The question of raising money will, in so far the expenditure is votable, be brought before this House, and, in so far as it is non-votable, it will not.

Mr. S. Satyamurti : May I ask whether the policy of re-building Quetta either on the present site or on the neighbouring site will be placed before this House at any time before the Government make up their mind ?

The Honourable Sir James Grigg : That is not for me

Mr. S. Satyamurti : May I ask the Honourable Member, Mr. Tottenham, whether Government propose to consult the opinion of this House on the important and costly proposition of re-building Quetta, either on the present site or on the neighbouring site, which, I understand, is going to cost eight crores of rupees ?

Mr. G. R. F. Tottenham : There is a Resolution on the paper on this subject ; and if Honourable Members opposite would agree to allow that Resolution to be discussed instead of the one they have themselves put

down for the 19th, the House would have an opportunity of expressing its opinion on that point.

Mr S. Satyamurti : What Resolution ? Is it a Government Resolution ?

Mr. G. R. F. Tottenham : There is a Resolution tabled by my Honourable friend, Seth Haji Abdoola Hareon recommending that Government should not re-build on the existing site

Mr. S. Satyamurti : What is Government's position ? Are they going to consult this House by means of a motion of their own on the question of re-building Quetta, either on the present or on the neighbouring site ?

Mr. G. R. F. Tottenham : I have nothing to add to what the Honourable the Finance Member said about that

Mr S. Satyamurti : When I ask the Army Secretary, he refers me to the Finance Member, and when I put the question to the Finance Member, I am told that the question should be put to the Army Secretary I don't care who answers it Somebody must answer it. Let the Home Member answer that I don't mind

The Honourable Sir Henry Craik : The question is under consideration.

Mr. S. Satyamurti : Is the question of consulting the House also under consideration ?

(No answer)

Mr S. Satyamurti : Silence is the best answer ?

SHORT NOTICE QUESTION AND ANSWER.

ALLEGATIONS AGAINST BRITISH SOLDIERS STATIONED AT JUBBULPORE

Mr. Satya Narayan Sinha : Are Government aware whether the remark of the Honourable the Law Member in the Assembly the other day, while objecting to Mr. Satyamurti's motion for adjournment, regarding Benda incident, that the Court might hold that the soldiers acted in "self-defence", is likely to prejudice the course of justice, because the remark has emanated from a responsible person like the Honourable the Law Member ? Is it not a direction to the Court as to its findings in the case which it is trying at present ? If so, how do Government propose to make amends for it ?

The Honourable Sir Nripendra Sircar : Attention of Government has been drawn to an article in the *Hindustan Times*, which ended with a desire on its part that this matter should be taken up on the floor of the House by some M.L.A. and the arguments and language of which article including the wholly unjustified expression "indiscreet" have been reproduced in the question.

*** The expression 'indiscreet' has since been deleted under the orders of the Honourable the President."

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The remark attributed to the Law Member is wholly misleading by reason of part of a sentence being reproduced after omitting what precedes and follows it.

The entire sentence is as follows :

“ We must take all theoretical objections and supposing that the Court finds, as a matter of fact, there was justification for the exercise of right of self-defence, and so on, it may not be a fact ultimately proved, etc ”

The remark as actually made is not capable of being perverted into a direction or even a hint to the Court as to its findings in the case.

The argument expressly stated to be based on a theory which may not be the fact as ultimately proved was necessary for showing that the matter was *sub judice*—a contention which was upheld by the Honourable the President.

Mr S. Satyamurti : May I take it that the Law Member now categorically says that his statement is neither a direction, nor a hint, nor anything else to the Court ?

The Honourable Sir Nripendra Sircar : I see that my Honourable friend uses the word “ now ”. The question of “ now ” does not arise.

Mr. Satyamurti : Does he again ?

The Honourable Sir Nripendra Sircar : What is the question ? I am quite prepared to answer it.

Mr. S. Satyamurti : I am prepared to put the supplementary question, if you will permit me Does the Honourable the Law Member say that again—that his speech that day was not to be construed by the Court as either a direction, or a hint, or suggestion of any kind ?

The Honourable Sir Nripendra Sircar : I have nothing to add I said that the grossest perversion which may be applied to it does not lead to that conclusion.

MOTION FOR ADJOURNMENT.

APPOINTMENT OF AN EUROPEAN BUSINESSMAN AS THE PRESIDENT OF THE INDIAN TARIFF BOARD.

Mr. President (The Honourable Sir Abdur Rahim) : I have received notice of a motion for the adjournment of the business of the House from Seth Govind Das. as follows : “ The appointment of an European (Sir Alexander Murray) businessman as the President of the Indian Tariff Board ”. I understand that the Honourable Member is not going to move it.

Seth Govind Das (Central Provinces Hindi Divisions : Non-Muhammadan) : I said that I am not going to move it.

ELECTION OF MEMBERS TO THE CENTRAL ADVISORY BOARD OF EDUCATION.

Mr. President (The Honourable Sir Abdur Rahim) : I have to inform the Assembly that Dr. Ziauddin Ahmad and Dr Bhagavan Das have been elected to the Central Advisory Board of Education constituted by the Government of India.

THE CRIMINAL LAW AMENDMENT BILL—*contd.*

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the following motion moved by the Honourable the Home Member on the 5th September, 1935.

“ That the Bill to amend the Criminal Law be taken into consideration ”

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, the case for this Bill rests mainly, if not exclusively, on the two pamphlets that have been supplied by the Home Department, one containing extracts from newspapers and other publications and the other containing the statements that were furnished by the Honourable the Home Member in reply to the Short Notice Questions put by Seth Govind Das. I submit that if anybody had ever a fantastic idea of raising a sky scraper on an arch of straw, he could not have hit upon anything better. Sir, look at the extracts that have been placed in this pamphlet which is headed “ A few selections from press articles made in connection with Press legislation ”. Sir, I reminded Honourable Members yesterday that there was no Press Act in force in this country between the years 1921 and 1931. I assume that the Government with their infinite resources, after making a microscopic examination of all the publications that have issued during this interval of ten years, have been able to cull together all that appears in this pamphlet.

The Honourable Sir Henry Craik (Home Member) : There are thousands

Pandit Govind Ballabh Pant : Well, I do not know if they have anything up their sleeves. If there is anything secret in the dark which they dare not expose lest it should burn and evaporate in the light we cannot take notice of it. If they have anything else in their possession we do not know. What they have considered deserving and worthy of being placed before us is contained in this pamphlet. Sir, this pamphlet does not contain anything for the years 1922, 1923, 1924, 1925, 1927 and 1929. It does not contain anything for the Presidencies of Bombay and Madras or for the Provinces of the United Provinces, Bihar and Orissa, Assam, Central Provinces and the North-West Frontier Province. The extracts that have been given here are confined to the Provinces of Bengal and the Punjab and to the years 1926, 1929 and 1930 only. Sir, this general survey can lead only to one conclusion, namely, that the state of the press was never really as lamentable, scandalous and dangerous, ominous and disastrous as is now sought to be made out. Sir, what do these extracts contain, even as they are ? Before I do so I may tell the Honourable Members that so far as the United Provinces are concerned, I have read the Administration Reports issued by the Local Government and it is definitely, positively and unambiguously mentioned in those reports in the year 1923 and again in the year 1924 that the tone as well as the language of public press in the province improved considerably after the withdrawal and repeal of the Press Act. Sir, these stray extracts containing only a part of the article and being for the most part indifferent translations cannot be a safe guide ; but even if we take them at their face value, what do they indicate, and what do they prove ? The first nine extracts relate to the single district of Pabna in Bengal and were all published in the month of July 1926. When we proceed further, we find a number of descriptive articles. I have examined every article and I am satisfied that if this pamphlet is placed before any judicial

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tribunal, at least half of them will be declared to be perfectly innocent ; and that demonstrates unmistakably the mentality of those who have put them before us as the exemplars in support of this repressive piece of legislation. This pamphlet contains not only extracts from newspaper articles but also reprints from pamphlets, books, and cyclostyled and other posters. Well, Sir, I do not know how this Bill is intended or expected to reach cyclostyled posters, unless the Government have the intention of introducing an amendment at a later stage. Otherwise, so far as the present Bill goes, I do not see their relevancy. We find no jot or tittle smacking of Communism anywhere in it except in the cyclostyled poster or pamphlet. There is nothing in it that could amount to a direct incitement to violence, except one or two sentences from two articles from certain obscure papers which have revealed their existence for the first time in this pamphlet : and so far as communal dissensions are concerned, Sir, as I observed as many as nine concerning Pabna District were shot off within a week. We do not know what happened there at the time. Perhaps there was an immense excitement in those districts in Bengal then. I would like to know, Sir, whether, on the basis of these extracts, any responsible Government would dare to approach the Legislature for such a piece of legislation as they have placed before us after a lapse of nearly ten years. We were told the other day, Sir, that there were 4,600 newspapers and publications in this country. We are here making a survey of everything that emanated from the press, whether in the form of newspapers, or pamphlets, or posters or books or otherwise during the period of ten years. Remembering that some of these papers might be dailies, some weeklies, some bi-weeklies, some monthlies and so on, the number of publications must have amounted to millions if not to billions. Of these, the selections come to about thirty, and on those thirty, we are asked to penalize the press of this country for ever !

The Honourable Sir Henry Craik : There were hundreds more

Pandit Govind Ballabh Pant : I do not know whether the "hundreds more" are merely in the brain or imagination of the Honourable the Home Member

The Honourable Sir Henry Craik : No

Pandit Govind Ballabh Pant : So far as the published papers go, he has placed before us only these. I presume that these are the worst samples that he could lay his hands upon, and I would ask Honourable Members to read them and to see what they are like. I have a definite impression, Sir, of the articles that I used to read in newspapers in 1908, 1909 and 1910 and I dare say from the recollections I retain very distinctly to this day that some of the papers then published had more objectionable stuff in one issue than what is contained in the whole of this pamphlet today. Well, Sir, this is the comparative state of affairs. I could like to know from the Honourable the Home Member the true state of affairs. He has told us that communalism has never been so acute in this country as it is today. Well what measures has he taken to put an end to that ? And if *this* is the result of three years' administration of the Criminal Law Amendment Act—namely, that communalism today is in its worst phase—then, I ask, why should he prolong and perpetuate the tortuous course which has resulted in this calamity ?

Then I would ask the Honourable the Home Member if he ever took action under section 153A in respect of these papers mentioned here, and whether he took any action under section 108 against the printer or the publisher of any of these ?

The Honourable Sir Henry Craik : If the Honourable Member refers to my speech in introducing the Bill, he would have found that repeated action was taken.

Pandit Govind Ballabh Pant : So far as I am aware, none of these persons were prosecuted for any of these writings.

The Honourable Sir Henry Craik : We cannot get at them.

Pandit Govind Ballabh Pant : That is an untenable proposition which I cannot accept. Sir, if the police are really so inefficient that you cannot get at the culprits, then you have no business to continue to employ them (Loud Applause), then you should disband your staff. Why do you engage this police force and impose taxation on us in order to keep them going, if you and they cannot get at the culprits ? (Hear, hear.) Sir, if your police force is designed only to get at innocent people, and if that is the purpose for which you are here, if your object merely is to frame these weapons and engines of oppression for innocent people, so that you may have some sort of fun and your police a ready handle and something by way of bait to book the innocent. The cat is out of the bag and I concede that this Bill will eminently and fully fulfil that object. Sir, I was just telling you that this bogey of communalism is a curious figment of the imagination - it has been sprung upon us with a view to frightening us. Sir, when I hear Members of the Government talking of a communal crash, I feel as though the chauffeur is losing hold of the brake and the crash is imminent. Perhaps, in some cases-- I do not attribute any malice or malignancy--the wish may be the mother to the thought (Hear, hear.) But, whatever it be, I say, Sir, that if the Government feel that communalism is in its worst form, then we must be prepared for the crop which must ensue out of such open declarations from the most responsible quarters. (Hear, hear.) They may not want their prophecies to turn true, yet we must be on our guard. Sir, we had once a good, old sturdy gentleman as Commissioner in the place where I live. In 1924-25, as Honourable Members are aware, there was a recrudescence of communal trouble. Once he was having a talk with me and he told me : " Well, Pandit, there is too much of communalism these days. Why is it so ? " I said there are many reasons. He said : " No, no. It is very easy to put an end to it ". I said how ? He asserted : " Well, put me in charge of the worst district and I will see that communalism will come to an end ". I asked him how he would manage it ? He gave me a story. He said that in his younger days while he was the District Magistrate at a certain place, a Tahsildar approached him and told him that his Tahsil was on fire and that a communal outburst was inevitable. He told the Tahsildar that that was the first time when he had ever heard such a report and while directing him to see him the next day with the latest information, warned him in the following words : " If you repeat tomorrow that your Tahsil is still in a combustible state, then I will make an entry in your service book and report you for transfer from this Tahsil ". He told me that the Tahsildar approached him the next day and told him : " Give me time : things are improving ". He replied : " Very well, you can have some more

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time". The man went back to him the next day and said : " Everything is all right ' *Sub Khairiyat* '." That is how communalism can be put an end to. I say if you are determined to put a stop to it, you can do it. I do not want to make remarks of an unpalatable and unpleasant type. But I would ask the Honourable Members opposite to read of some of the letters published by Lady Minto that passed between Lord Minto and Lord Morley. I ask them to ponder over what Lord Olivier wrote in the article that appeared in the *Times* soon after he retired from the office of the Secretary of State for India. I ask them to read what Wedgwood Benn observed some time ago and I ask them to read what the Earl of Salisbury has said only recently. I would not say more. But Sir, I would remind them that communalism is not the monopoly of this land. Wherever you have foreign domination, there is a natural tendency to foster all those forces which contribute towards the perpetuation of that domination. It is but natural. That does not, however, absolve us from the responsibility that we owe to our country. I am one of those who feel that if our enemies can outwit us, we are fools. If our enemies can beat us, they must be abler. But I do not want to be beaten by them in any way and on any score whatsoever. I am not putting this forward as an apology or defence for any failure or lukewarmness on our part, but I am stating only a fact because it is a fact. In this connection, I would remind the Honourable Members that only recently there was an outburst in Belfast. Belfast is not Dublin which is the capital of the Sinn Fein or Irish Free State; but it is Belfast, the capital of the favourite province of the superb Lord Carson. I will just read out to you what happened in Belfast from an extract that appeared in the *New Statesman and Nation* recently. It says :

" More than the usual political significance underlies the rioting which has developed in Belfast from the annual celebrations on July 12th of the Battle of the.....better known in Northern Ireland as the glorious twelfth. The newspaper reports which have reached England tell us only of this great fighting, the rioting, the looting, the burning out of a dozen Government homes, the deaths of five persons and the wounding of well over a hundred, the use of rifles, revolvers and machine guns by the police and finally the calling out of the military who were patrolling the streets with fixed bayonets and steel helmets returning the desultory fire of the snipers who lie hidden in the network of poverty-stricken slum streets of the York Street area."

This is what happened in Belfast last month. Belfast is the place where the catholics are in very small number and where the protestants dominate. So, let not our people be entrapped by any insinuations about communalism being worse today than it has ever been before. I, for one, honestly believe—and I claim to possess some knowledge of the people and some experience of the affairs of this country and it is certainly more intimate and reliable than what any Honourable Member opposite can acquire as none of them has a direct approach to the hearts, to the sentiments and to the convictions of people,—that the worst phase of communalism has passed. There is more of harmony today than there was at any time before, at least during the last ten years. But for a few self-seekers and those who can always be incited to promote hatred between communities, the heart of the country is sounder today than it has ever been before, and I am convinced that if artificial restraints are not devised which must tend to cause greater distrust and mistrust in the future, the present rate of progress will continue until we have reached the millennium and the haven which we all desire.

Sir, I would like to refer to some of the extracts which have appeared in other places. I do not know if the Honourable the Home Member is aware of the sort of literature that is published in England. Has he ever seen the extracts that appear in the pamphlets or articles there? I do not know if he has been reading the *Workers' Daily* or whether he has been reading the *Labour Leader* or whether he has been reading such like other papers. I see that there is more of Communism in a single issue of these papers than in all that you can collect here during the last ten years and yet they are not proscribed here and I am occasionally reading them. I will read out to you a few extracts from some of the pamphlets that have been published in England. These pamphlets have been published almost continuously and regularly by people who have taken pretty good care to keep themselves in the back-ground just as the imaginary dummy editors are supposed to be doing here. Well, Sir, now I propose to read from the Hansard and it is part of the speech delivered by the Attorney General of England in the last autumn session. He says :

" There is a corresponding leaflet with reference to the Navy, entitled ' The Red Signal ', which claims to be the organ of Communist sailors. I will trouble the House with a few illustrations, in order that Honourable Members may have in their minds the sort of incitements which are offered to members of His Majesty's Forces in this secret, underground fashion. *The Soldier's Voice* of October, 1931, invited its readers who were soldiers to understand that : ' The way to victory lies, not through voting, but through mass struggle. What is needed is a repetition of the general strike.' The issue of May, 1932, contained this passage : ' Let us use the knowledge of arms which they give us, when the opportunity presents itself, to overthrow their rule, and, in unity with our fellow-workers, to establish a free Socialist Britain.' In November, 1932, the same production said : ' We suggest that you, comrade reader, should make a beginning now in your unit. Get in touch with that other fellow in your lot who thinks like you. And then start in to convert the rest of your mates to your ideas. If you don't quite know how to begin, what about writing for advice to that Communist or member of the Unemployed Movement you used to know at home? ' These are incitements addressed to and intended for members of His Majesty's Forces. *The Red Signal*, the organ of Communist Sailors, in October, 1932, said :

' They will put a gun in your hands. Take it and study the art of war. This knowledge is essential for workers in order to fight against the capitalists of their own countries, in order to put an end to capitalism.'

In May, 1933, it said :

' If war does come, then it must be turned into a civil war against the capitalist warmongers and their bankrupt system. We urge our comrades of the lower deck to get into touch with this great movement wherever possible.' "

Sir, I ask the Honourable the Home Member whether he has seen anything approaching this even within a hundred miles in this country. Has he seen such pamphlets being distributed in the Army anywhere in this country? Has he seen people taking any interest of this wicked and malicious sort? The Attorney General says in another place :

" The effect of the two or three prosecutions which have taken place in the last year or so has been to drive the chief offenders underground. A somewhat sly and almost skulking breed of inciter has come into existence. They are too shy or too cowardly to put their names and addresses to the literature which they are in the habit of producing."

The Attorney General again quotes from another paper :

" They say in *the Soldier's Voice* of May, 1932 :

' Leaflets were printed in English, French and Japanese and careful plans were laid for their distributions. They were strewn on parade grounds

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stuck on walls and fences, put in the dance halls and cabarets frequented by men of the Forces, and many soldiers and sailors alike were surprised to find leaflets in their pockets or thrust into their hands.

As I say, they are published anonymously by people who prefer to employ comparatively harmless and ill-paid persons to distribute them. The person responsible for them have taken very good care to keep well in the background since the prosecutions of two or three years ago, when some of the offenders were properly dealt with under the existing law."

He says further :

"Some one may ask : How much of it is there ? During the year 1932, there were 17 different subversive pamphlets. I do not mean 17 issues, but 17 different pamphlets of different titles—*The Soldier's Voice* is the one and the *Red Signal* another—containing such incitements as I have mentioned ; and in that year there were 20 places of distribution. In 1933 there were 11 different subversive pamphlets and 14 places of distribution. The pamphlets are distributed among members of His Majesty's Forces by methods such as I have described. They are thrown over the barrack railings, or pushed into the hands of soldiers or sailors in places of refreshment or in music halls ; and it is estimated that in each of the last two years something like 50,000 copies of these subversive pamphlets have been produced and attempted to be distributed for circulation among members of His Majesty's Forces."

Sir, I have no desire to tax the patience of the Honourable the Home Member or those sitting opposite. I am not reading these passages because I approve of them or because I approve of the methods. What I want to impress on this House is this, that there is much more vitriolic, poisonous and combustible matter in circulation in England than here. Yet do the English people ever think of putting restraints like these on their Press ? Has it ever occurred to them that they should do anything of this sort ? The other day I was surprised to hear from Mr. Griffiths that there is no difference between the censorship of the cinema and the control of the Press. So far as my Honourable friend, Mr. Morgan is concerned, if he had said so, it did not very much matter, but when a gentleman in the position of a District Magistrate, one belonging to the Indian Civil Service, who has to try and dispose of cases of this sort shows such a confusion of thought, that is a conclusive argument as to why the executive should not be vested with these powers. (Hear, hear.) Does he not know, Sir, that the cinema is regulated and controlled all over the world ? Does he not know that in England, in France, in Canada, in Australia, in the United States and everywhere the cinema is subject to censorship ? Does he not know along with it that it will be against the Habeas Corpus Act, it will be against the Bill of Rights, it would be against the Magna Charta, if any Bill of this nature were introduced in the British House of Commons or the House of Lords for restraining the liberty of the Press ? Does he not know that it is against the fundamentals of the American constitution, and the House of Representatives or the Senate cannot pass any law that would interfere with the liberty of expression or freedom of association. (Hear, hear.) Does he not know that the Free State constitution contains laws of that type ? Does he not know that even in the Canadian constitution, you have laws of this nature ? Does he not know that these are fundamental rights to which greater value is attached than to anything else ? Does he not know that in the case of the cinema the criterion is simple—if the thing is obscene and vulgar, one can at once notice it ? If there is an objective standard of measurement and scrutiny, it is easy

for people to arrive at right conclusions. I admit, that so far as India is concerned, even the regulation of the cinema is governed by political considerations. We know that here even the cinema is used or abused for political propaganda and as an aid towards the perpetuation of foreign rule. The cinema containing the pictures of the Bombay Congress was actually proscribed! I ask the Honourable the Home Member, I ask those sitting on that side under which law, whether local or international, it is permissible. What was obscene, demoralising or vulgar in the pictures of the Bombay Congress? Can anybody justify it? Is that not proof positive of the fact that the executive at least in this land as it is constituted today does not deserve any exceptional powers?

Sir, I am aware even at this very moment of how the executive are behaving against the rules that they have themselves framed although they find a solemn place in their own manuals of Government orders. In my province, the elections for the district and municipal boards are in progress and the Congress has set up candidates. There is a rule in the manual of Government orders that no Government servant should take any interest in the elections so much so that none should even indicate his preference for any particular candidate. In flagrant contravention of this rule there is a regular conspiracy and crusade on the part of officials all over the province to shut out Congressmen and to put up and extend support to rival candidates. I know, Sir, even today efforts are being made to organise all the reactionary forces in almost all the provinces and certainly in mine and to recruit to the bureaucratic army the lame, the blind, the halting and the cripple, whose docility and subservience is not open to any doubt. Sir that is what is going on under our very eyes today, and yet we are asked by the self same executive to have implicit confidence in them, so much so, as to surrender all our liberties to them.

Sir, let us look at the other pamphlet now. It contains the statements that were given in reply to Seth Govind Das' question. We find from this that security was forfeited in 17 cases, and Mr. Griffiths laid great stress on this. Well, Sir, what does it prove? Out of 4,600 publications security was forfeited in 17 cases. May I know what is the proportion? I think it comes to about 1.7 for 500 or about 1 for 300. Now, Sir, is there any profession anywhere in the world, is there any community, is there any class however noble and faultless it may be in which the number of defaulters and delinquents does not come at least to that limit? Look at the Honourable Members opposite; let them recall to their minds the Back Bay muddle of Bombay, the Lloyd Barrage scandal of Bombay, the Munitions Board scandal, the Mesopotamia muddle, and the like? Is it not a fact that even amongst the holiest of the holy there are people who have been found to be guilty, in a much higher proportion, of offences much more reprehensible? Then, Sir, why should not there be a law requiring every member of the Indian Civil Service to deposit a security of Rs 10,000 for good behaviour and honesty? We have just before us the Benda incident which happened but recently and we know other cases in which the soldiers of the army have been held to be guilty of violent offences of a very serious type, and their proportion is much higher again than that of the newspapers whose securities have been forfeited. Why should not there be a law then requiring every soldier

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who is imported into this country to give a security of his pay at least for a year so that he may be kept in good behaviour ? Sir, I think it is implicit in the terms of the engagement of the Indian Civil Service and other Imperial Services that they will be faithful to the interests of this country. Yet many of us do not believe that all of them always behave accordingly. Then, Sir, if difference of views does not matter, why not appoint a Standing Commission consisting, for the matter of that, of Sir Zafrullah Khan, Kunwar Jagdish Prasad and Sir Nripendra Sircar, who will impose a fine or forfeit the security of those members of the Indian Civil Service who, in their opinion, are definitely proved to have been unfaithful to the interests of this country ? Just as members of the Indian Civil Service and other services are free to determine whether their critics have or have not excited disaffection or hatred towards them and will sit in judgment on us, why should not they trust their own colleagues of tried loyalty in the services and in Government to decide matters pertaining to them in relation to their loyalty to this country ? Are they prepared to do that ? If they agree I will be prepared to reconsider my position. But even the suggestion is giving offence to the Honourable the Home Member. He is tolerating it because he is in this House ; otherwise, the idea that three Indians, brown in colour and belonging to those races about which a very apt description was given by another fellow European, Mussolini, it is intolerable to him that we should ever think of these people sitting in judgment over him. Then, Sir, what can they expect from us ? After all, are we not human beings ? Have we no sentiments ? Sir, the Honourable the Home Member told us the other day that all murders were alike. I do not know, Sir, but does he exercise the power of reprieve ? Does he grant pardon in some cases ? If he does does he make any distinction between one class of murder and another ? Otherwise how are these petitions of mercy disposed of ? And does he after all see no distinction between Kharag Bahadur murdering a rake with a view to protect the honour of a family and a rake murdering another person with a view to ravish his wife ? Would both stand on the same footing ? So far as my attitude towards terrorism is concerned, I do not want to make any declaration of faith, specially after the vulgar manner in which the statement of Mr. Asaf Ali was received by some of the Members opposite. I belong to the Congress : I have signed its creed, and those who do not believe my word receive from me nothing but contempt and I do not worry about what they think of me. But I should stress that there should be a sense of proportion, there should be a sense of proper perspective, which should never be lost. After all, even in the eye of the law, are all culprits alike ? Is there the same procedure for the trial of Europeans and Americans as for the trial of Indians ? Have we all forgotten the scandals that occurred about the rupture of spleen cases in the old days till the electric fan came to our rescue ? And I remember a typical case, a case which, whenever I think of it, causes me immense mortification. Sir, in 1924 there was a case of rape in Tundla. Some Anglo-Indian lads belonging to the Railway Department ravished some Indian girls. They were convicted and sentenced to whipping. Sir Henry Gidney, who is unfortunately not here today, then made a representation to Government, and to what purpose and with what end ? Not with a view to obtain their release, but his representation was to the effect that these meanest and most wretched

miscreants should not be whipped by the Indian who normally performed that duty but by a non-Indian. (*Cries of "Shame" from the Congress Party Benches*) And what happened? That representation was accepted and accepted by whom? By one who had been the Lord Chief Justice and Lord Chancellor of England, the Viscount of Reading who was the then Viceroy of India. (*Cries of "Shame" from the Congress Party Benches*) Sir, with this attitude of the head of the executive towards these matters, to dangle before us these things and to tell us that there is no danger of discrimination, that there is nothing but unadulterated justice to be the guide of their conduct, is to tell us something which our experience belies and which we know is not true. Now, Sir, with these experiences, when even a man of that position, with that training, with that knowledge of law and justice can behave like that, how can you ask us to surrender our liberties and our cherished and valued rights to the minions of law who do not know law and who indulge and revel in lawlessness? Sir, how can that be done by us or with our consent? How can we voluntarily commit suicide?

I have given you 17 as the number of cases in which securities have been forfeited. Along with that I will give you the other side of the picture. Even in this year, according to these figures, security was demanded from 71; and out of these only 15 could find security and 56 papers had to go out of publication. Similarly we find that 448 other papers went out of publication. What do we infer from this? That this is a most repressive and oppressive law. And how? Even according to the executive judgment, of those who had been running the presses, only 17 were found to be guilty; but there were more than 500 who were throttled, practically strangled at the outset and were not even allowed a trial. That is the greatest mischief of the repressive law. It falls more heavily on the innocent than on the guilty. There is no doubt that most, if not every one, of these 500 would have been helpful to themselves and to others had the road not been blocked against them at the very beginning. The other day, the Honourable Member from Midnapore told us that the methods of the Government were humane and that they wanted to protect the young men from the snare and the net of terrorism. Is this the way to achieve that end? Just see. You have deprived 500 men who were going to adopt an independent vocation for earning their livelihood of what was perfectly legitimate. If these 500 persons had been allowed to work, there would have been work for at least five more in each press and you would have encouraged the employment of at least 3,000 men if these presses had not been proscribed and if security had not been demanded. I remember what I read some days ago and again something over which my heart wept. There were seven vacancies in the cadre of constables in Patna and there were 2,000 applicants; and how were they treated? There was such a scramble that the crowd of applicants were subjected to a *lathi* charge. That is the state of unemployment in this country. Seven posts of constables draw 2,000 applications, and instead of giving them bread you give them stone and something worse than that—*lathis*. On the other hand people try to find out careers for themselves and where 2,000 men would have been engaged and would have been in a position to earn their living for themselves, you stand in their way and these 2,000 are thrown on the streets and on the lanes and on the by-lanes. Is it a surprise that some

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of them should take to methods that are desperate, howsoever harmful, howsoever injurious they may be to the larger interests of the country ? I am one of those who feel that methods of violence should not be encouraged directly or indirectly, not because I have any tenderness for this Government, which if I could I would break to pieces this moment, but because I feel that in the interests of my country, situated as we are, if the cult of violence spreads, we will be nowhere, and there will be no end to it and things will go on from bad to worse and from worse to worst. Therefore I would not be a party to anything that encourages such a thing directly or indirectly. But the etiology of the disease should be dispassionately studied in a detached spirit and if you want to root it out effectively.

The Honourable Mr. Griffiths told us that he was anxious to help the youth of the country. I do not at all doubt the sincerity of his declaration, he also told us that his methods and the methods of this Government were humane. I was reminded of what I read the other day, that an interneer had been sentenced to five years' rigorous imprisonment for having written an innocent letter which contained nothing objectionable, but because he had not obtained permission of the jailor for writing it. These methods are humane par excellence : but we on our part are unable to appreciate their humaneness. Has it ever occurred to Mr. Griffiths as to why there is so much of discontent in this country ? He must be knowing what Bacon said about the cure of sedition : he said " the cure of sedition lies in taking the matter out of it, and the matter consists of much poverty and too much of discontentment ". I think he knows that. Has it ever occurred to him why he is there ? Has it ever occurred to him as to what had been the role of the service to which he belongs ? Does he not know that more than 40 years ago a resolution was passed in the House of Commons in favour of simultaneous examinations for the Indian Civil Service in India and England ? But why was it not put into practice ? Does he not know that even today out of 2,500 in the superior Civil Services occupying the higher posts, and 5,000 holding the King's Commissions, the Indian is not one in five or one in six ? Does he not know that if foreign recruitment were stopped even today, many of those who find a blind alley facing them wherever they go will take heart again and be restored to the ways of peace and prosperity for themselves as well as for this country ? I would appeal to him to work towards that end and join hands at least with those who want to put an end to foreign recruitment to all the services in this country. Even if that much is done and it alone, which does not ensure Swaraj, I assure him that he will be providing an effective remedy towards ending terrorism in this country.

Mr. Griffiths has a fine name : it reminds me of Mr. Arthur Griffith, the founder, the father of Sinn Féinism, the first president of the Sinn Féin Republic, the leader of the deputation that went to Downing Street to hammer out the Irish Treaty in collaboration with Michael Collins, with persons as proud as Lord Birkenhead and persons as powerful, mighty and celebrated at that date as Lloyd George ; and Griffith succeeded in doing wonders. I hope Mr. Griffiths will take a

lesson from the name which has much to inspire and will do something to help the lot of the people in this country in reality ; and for that we will ever be grateful and thankful to him.

Sir, Mr. Griffiths told us that it was but logical that when an association is declared unlawful, then its funds must be forfeited. Well, Sir, I was reminded of the logic of some of those pastimes with which Nero used to beguile himself in olden times. There were people known as gladiators in those days. Sometimes Nero used to apply a fixed number of lashes to the gladiators. If he died, the logical end was to throw him to the wolves ; if he did not die but blood came out of his nose, it was to set the wolves on him, but if neither of these two things happened but only his skin was split, then the logical treatment accorded to him was to strip off the skin with the knife, and Mr. Griffiths wants to see things to their logical perfection. But has it not occurred to him that even an unlawful association may have lawful activities ? Has it not occurred to him that there were and are Congress institutions like the hospital at the Swaraj Bhawan in Allahabad and the Prem Maha Vidyalaya in Muttra and Brindaban and various other useful institutions which did no more than humanitarian and constructive service ? So, it is not inconceivable that even unlawful associations may have activities which are beneficial to all classes and devoid of political taint.

Sir, I have taken much longer time, than I had intended and I shall now make only a few remarks as to the provisions of this Bill. As Sir Lawrence Jenkins said, human ingenuity has never hit upon anything more comprehensive than this, and he said that, Sir, about the Bill of 1910, and not about this Bill, which is much more wide and much more comprehensive in scope than the Bill of 1910. This is what Sir Lawrence Jenkins said about that Bill :

“ The provisions of section 4 are very comprehensive, and its language is as wide as human ingenuity could make it. Indeed, it appears to me to embrace the whole range of varying degrees of assurance from certainty on one side to the very limits of impossibility on the other. It is difficult to see to what lengths the operation of the section might not be plausibly extended by an ingenious mind. They would certainly extend to writings that may even command approval. An attack on that degraded section of the public which lives on the misery and shame of others would come within their widespread net. The praise of a class might not be free from risks. Much that is regarded as standard literature might undoubtedly be caught.”

Sir, the other day Mr. Morgan told us that we were irresponsible and lacking in a sense of responsibility, because we do not always see eye to eye with the Government. May I remind him, and may I also remind the Honourable Members belonging to the celestial service, as to what attitude they and the press they patronise adopted towards Lord Ripon's Government, when Sir Courtney Ilbert's Bill was on the anvil ? May I know what was their attitude when Sir Bamfylde Fuller submitted his resignation and when it was accepted by Lords Morley and Minto ? May I ask them what was their attitude when Mr. Montagu censored General Dyer for what he had done in Jallianwalla Bagh ? May I ask them what was their attitude even when Lord Irwin was conducting negotiations with Mahatma Gandhi which culminated in what is known as the Gandhi-Irwin Pact ? But, Sir, we are small men. I will not depend on myself, but I shall read out for the benefit of

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Members opposite the opinion of one who has been for seven or eight years the foremost man in the British Cabinet either singly or jointly or in the alternative, with Mr. Baldwin, I mean the Right Honourable Ramsay Macdonald. This is what he said :

“ The English-owned papers in varying degrees of aggressiveness are pro-English in the sense that they maintain the British ascendancy with all its privileges and are vigilantly anti-Nationalist.”

Mr. F. E. James (Madras : European) : What is the date ?

Pandit Govind Ballabh Pant : Of course, before he became the Premier of England Has wisdom dawned on Europeans since ? Then I congratulate my friend and I hope he will support us .

“ They attack the administration with candour when it seems to be yielding to Nationalistic claims, and carry on an anti-Indian propaganda which causes much offence and which frequently, in the case of some papers, oversteps the bounds of public policy. In a land subject to severe press law, these papers ought to have been dealt with, for their tone and temper have undoubtedly added to that feeling of resentment which has been played upon by the agents of disorder and political crime Their criticism too often takes the form of insults, and Indian papers pursuing the same recklessly mischievous course would undoubtedly have had the law applied to them ”

Sir, we are said to be irresponsible men. I will again venture to bring to the notice of responsible Members opposite, whether official or non-official, the unambiguous opinion of the same great man who was Prime Minister for a series of years and is now holding a position second only to that of Mr. Baldwin about the Press Law and Criminal Law Amendment Act :

“ Here lies the fault of the Indian Government. Its Press Act of 1910 and its Criminal Law (Amendment) Acts of 1919 are contrary to freedom of peoples and responsibility of Governments, and ought to appear on the Statute-books of no country.

In the first place a power of repression habitually enjoyed tends to develop a habit of mind in the Government which regards all effectively troublesome criticism as sedition, and it allows a Government which is always partly responsible itself for seditious conspiracy to avoid its own share of the blame and impose the whole upon the shoulders of its opponents. . . The power and policy of repression do not make for tranquillity, but for repression and nothing more . . . Every foolish Government would like to be able to exercise absolute authority when, in its own opinion, it thinks it ought to do so, but no people with any regard for liberty will give its Government such power.”—*I wish to bring the last few words to the notice of the non-official Members of this House*,—“ but no people with any regard for liberty will give its Government such power ”—“ Governments should be compelled to meet the growth of sedition by political wisdom and not allowed to burden other people with their mistakes, as the Indian Government does when it seeks to maintain order by its Press Laws and Rowlatt Acts.”

I will now read just two or three sentences from a speech delivered by Mr. Sheridan in the House of Commons as to the potency of the Press. He said :

“ Give me but the liberty of the Press, and I will give to the Minister a Venal House of Peers. I will give him a corrupt and servile House of Commons, I will give him the full swing of the patronage of office. I will give him the whole host of ministerial influence. I will give him all the power that place can confer upon him, to purchase up submission and overawe resistance ; and yet, armed with the liberty of the Press, I will go forth to meet him undismayed—I will attack the mighty fabric he has raised with that mightier engine I will shake down from its height corruption, and bury it beneath the ruins of the abuse it was meant to shelter.”

Sir, one word more and I have done. These are the last two sentences from the Chapter on the Press from Mr. Ramsay Macdonald's book.

“ The last chapter in the history of bureaucracies is repression. They pass away like an old monarch driven from his throne, hurling accusations of sedition against his approaching successor ” (Applause.)

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

MEMBER SWORN.

Maulvi Badrul Hasan, M.L.A. (Tirhut Division : Muhammadan).

THE CRIMINAL LAW AMENDMENT BILL—*contd.*

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : Sir, since the commencement of the discussion of this motion, the House has experienced a good deal of eloquence which has been expended in trying to establish that the measure with regard to the consideration of which the House is discussing this motion is so repressive, is so restrictive of the liberty of the subject, is so abhorrent to all notions of a liberal, representative and a civilised government that the House should throw this measure out at this stage. Sir, there was one sentiment expressed by the Honourable Member who spoke immediately before me with which I find myself in entire agreement and that sentiment was that he was afraid that on occasions there was a danger of a sense of proportion being disregarded. My object in intervening at this stage of the debate is to attempt, if possible, to bring the House back to a consideration of the merits of the measure itself divorced as far as possible from questions of sentiment and of passion. One is aware that one cannot rule sentiment and passion out of one's life altogether. They have their place but even there a sense of proportion would be extremely useful in keeping these matters within their due bounds. Sir, when I listened to the eloquent and impassioned speeches made by Honourable Members opposite in condemnation of this measure, I must confess that I was occasionally bewildered, as I could not discover the springs of that eloquence. During the course of the debate, however, there were two or three very illuminating flashes which did reveal some at least of the sources of all this flood of eloquence. For instance, one Honourable Member, I believe it was the Honourable Member who exhibits a limitless curiosity with regard to the actions and the intentions and the proposals and the designs of Government.....

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : They are so mysterious !

The Honourable Sir Muhammad Zafrullah Khan : Possibly to you. He for once exhibited an amount of curiosity which let one into the secret of a great deal of what has been said on the other side and the curiosity was this. The Honourable Member anxiously wanted to dis-

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cover from the Honourable the Home Member as to whether the Ministers of the Madras Government had or had not supported this proposed Bill.

Mr. S. Satyamurti : What is the answer ?

The Honourable Sir Muhammad Zafrullah Khan : As I have already said, the question was addressed to the Honourable the Home Member but whatever the answer to that question may be it certainly did supply—I might inform the Honourable Member that I do not know what the answer is—a clue to all the anxiety and to all the sentiment under which certain sections of the House opposite worked. Then, Sir, there was another illuminating flash and this time it was the Honourable Member against whom I had the honour to appear in the Delhi Conspiracy Case who said : “ how dare any elected Member vote in support of this Bill because elected Honourable Members dare vote in support of it only at the price of their seats ”. And then at a subsequent stage of his speech he informed the House that when that Honourable Member and his colleagues have walked across the floor of this House and are occupying the Benches now occupied by Honourable Members not one of whose actions can be attributed to any but a dishonest motive, those Honourable Members would then be able to dispense, not only with this particular measure in case it is placed on the Statute-book in spite of their vehement and concerted opposition, but also with all similar kinds of laws and enactments. That, Sir, revealed a very touching and pathetic degree of pessimism on the part of my Honourable friend and a great and immeasurable gulf of which he appeared to be conscious between his desire to walk over to this side of the House and occupy these seats and his estimate of any chance of his being able to do so, for it is perfectly obvious that no responsible Member would with regard to the future have made a declaration of that kind if he had the slightest hope that on some occasion or the other he may be called upon to give effect to that declaration. Before I go on to draw the attention of the House to the general features of this Bill, to which the Honourable the Home Member did draw the attention of the House in his opening speech but some of which have become rather obscure during the course of the debate.....

Mr. S. Satyamurti : They were obscure at the beginning.

The Honourable Sir Muhammad Zafrullah Khan : I may be permitted to deal with some—it would be impossible, within the limits of the time available, in spite of there being no time-limit, admissible to Honourable Members for their speeches, to deal with all of them—I said I might be permitted to go on and deal with some of the general objections raised on the other side to the enactment of this measure. One Honourable Member's objection was—at any rate that was the only one that I was able to discover, as his speech proceeded, more particularly when it drew towards its close—his objection was that he did not object so much—he did object to the terms of the measure—but he did not object so much to them as to the proposal to enact this measure permanently as a separate measure by itself. I believe it was the Honourable Member who told us stories about kings and jackals. But he will, I am sure, forgive me if I was entirely unable to follow that line of argument. He said : “ why don't you amend

the Penal Code ? Why don't you amend the Criminal Procedure Code ? Why do you bring this bunch of provisions in a separate Bill by itself ? ” Well, I do not know whether it would be any greater satisfaction to the Honourable Member to see these provisions incorporated into the Indian Penal Code and the Criminal Procedure Code rather than being enacted separately.....

Mr. A. K. Fuzlul Huq (Bakarganj *cum* Faridpur : Muhammadan Rural) : Sir, I have not been correctly quoted

The Honourable Sir Muhammad Zafrullah Khan : Sir, at this stage I can but rely upon my recollection, and I do assure the House that, if I have not correctly quoted the Honourable Member's criticism of this part of the Bill, it is because I could not correctly follow him ; but, so far as I was able to follow him—and I venture to think the record of his speech, especially the last portion of it would bear me out—that was the criticism that he advanced. If he now withdraws that criticism, I need not pursue it any further, except only to say this, that there are certain provisions in this measure which are, though of a permanent character, proposed to be left in a state of suspended animation till they are called to life by Local Governments, having regard to the needs of any situations that might develop. That is one out of several reasons why it has been considered necessary that, although this measure proposes to make certain changes in the permanent criminal law of the country, they are not proposed to be incorporated in the permanent codes. Another reason of course is that if, at any time, a situation arose when the then Government—whether it is constituted by Honourable Members opposite or by any other party or combination of parties—came to the conclusion that the circumstances justified such a course, they might be able to repeal this Act as an Act by itself, without having to seek for its provisions in the various parts of the Indian Penal Code or the Criminal Procedure Code.

An Honourable Member : How very clever !

The Honourable Sir Muhammad Zafrullah Khan : Sir, may I for a moment revert to the Honourable gentleman who has just paid me the compliment of telling me that I am proving very clever in advancing this reason. He made an appeal to me in the course of his speech with regard to certain experiences gained by me and a certain insight obtained by me into the methods of terrorists and certain other matters connected therewith in the course of the case in which we were engaged on opposite sides. He said that the experience gained by me in the course of that case would confirm his assertion that terrorists were not wont to carry on their activities, apart from their final manifestations—in offices which were labelled as such,—but that they worked in secret places. Sir, to that extent I am happy to be able to confirm the view of the Honourable Member. But there were certain other experiences and insights that I also gained in the course of the prosecution of that case. One of the pieces of information that I obtained, during the course of that case which was being tried during 1931-32 was that, in that one single case, the police were able to capture and to produce in Court as an exhibit a quantity of explosives that would have been sufficient to manufacture 360,000 bombs ! But apart from this terrifying knowledge that I obtained in the course of that case, there was another experience gained in the course of that case which has stood me in good stead in the course of this debate, and that experience was this. When my Honourable friend opposed me in that case—a very able and

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astute lawyer as he is—in the course of that case also, as he has done in the course of this debate, he was sometimes in the habit of expressing himself with great indignation and with a great exhibition of contempt for the position of the other side ; and at first I confess that on one or two occasions that attitude rather frightened me ; and, being in charge of the case on behalf of the Crown, I was afraid during those early exhibitions of indignation and contempt by my Honourable friend, that I had, probably, committed some unpardonable wrong which had been the cause of all this indignation. But, as our association proceeded, in the course of that case, experience forced me to the conclusion that, the more indignant my learned friend was and the more contemptuous he was towards the opposite side, the less conviction he had in his own mind that he had a good point to make.

Mr. M. Asaf Ali (Delhi - General) : That was a law Court.

The Honourable Sir Muhammad Zafrullah Khan : My Honourable friend says that that was a law Court. Sir, habits have a way of sticking on, once they have been formed (Laughter) . and, therefore, I rather drew comfort from the speech that my Honourable friend made condemning this Bill the other day, because, as his speech proceeded, the greater was his indignation, and the greater was his contempt for the opposite side, the less and less grew my fear that we were doing something which was so repressive as to negative all the canons of civilized government.

Mr. M. Asaf Ali : Habits stick on, don't they ?

The Honourable Sir Muhammad Zafrullah Khan : If I may refer to some of the general criticisms of the Bill, one of the criticisms advanced has been that when the Criminal Law Amendment Act, 1932, was introduced into this House by the then Home Member, he based the necessity for a measure of this kind entirely upon the existence of the Civil Disobedience Movement, that somehow or other the present Home Member and the Government of India are guilty of some kind of a Machiavellian design in trying to support the necessity of a measure like this on the ground of the triple threat to which the Honourable the Home Member made reference in his opening speech, namely, Communism, terrorism and communalism. As a matter of fact, one Honourable Member challenged the Home Member to show anything which was said on that occasion which would warrant the suggestion that even then this triple threat was in the mind of the then Home Member and that the Bill which subsequently became an Act was designed to meet that kind of threat. Now, in the first place, I would beg leave to observe that if during the course of the last three years Government have found that fresh threats have arisen and that a measure of this kind is useful for meeting those threats and that, therefore, it is necessary to enact it in a permanent form, it is no valid criticism of the provisions of the Bill to say that Government was not then conscious of the dangers to which a reference has now been made. But, apart from that, if it were necessary for the satisfaction of consciences of Honourable Members opposite to be assured that even on that occasion this triple threat was in existence and that it was contemplated that the measure would be helpful and useful in meeting that threat, I am able to assure them that that was so.

Pandit Govind Ballabh Pant : Was the Bill introduced on that account ?

The Honourable Sir Muhammad Zafrullah Khan : In the speech which the Honourable the then Home Member delivered in making the motion for reference of the Bill to a Select Committee, this is what he said. The speech was made on the 21st September, 1932 :

“ We have had in India a triple threat to peaceful progress,—Civil Disobedience, Communism and terrorism ; and though the main provisions of this Bill are directed against the first of these, I hope the House will not forget that the provisions relating to the Press will exercise a strong controlling influence over the movements of Communism and terrorism. Discontented elements will always tend to coalesce. Though on the surface these three are very different movements, behind the scenes there are certain contacts. Terrorism threatens Government by open force. The other two, Civil Disobedience and Communism, are more subtle in their methods, but possibly even more disastrous in their results, for their object is to destroy the whole basis of respect for authority and the traditional institutions on which society is founded. Thomas Carlyle, the historian of the French Revolution, spoke of our whole being as an infinite abyss over-arched by habit. That image seems to me to be vividly true in the conditions of India, where a crust has been formed—and at times we seem to see in a flash how thin that crust is—a crust has been formed over a great abyss by the labours of many generations which have found expression in the instinctive beliefs and habits of the people. Let us beware, Sir, lest the crust give way and we find ourselves precipitated into the abyss.”

To this has been added the danger that arises from acute communal friction. One Honourable Member was pleased to remark that communalism had at no stage been at so low an ebb as it was today. All that I can say is that my own experience unfortunately shows that that statement is not justified. I need not go further into the matter at this stage. One argument was put forward and it was repeated several times and statistics were quoted in support of it, that the Act had not been effective in stamping out the dangers which it was designed to meet and that consequently it ought to be allowed to lapse. He came to a certain stage when I was expecting that the logical conclusion of the argument, which was being developed by the Honourable Member, who put forward this contention, would be that he would ask for the repeal of the whole of the Penal Code. I was disappointed that he did not go on to press that logical conclusion.

Mr. Bhulabhai J. Desai (Bombay Northern Division : Non-Muhammadan Rural) : How is it a logical conclusion ?

The Honourable Sir Muhammad Zafrullah Khan : We were told by that particular Honourable Member that out of—I did not note the figures and, therefore, I can only give them roughly—62,800 murders committed in this country in a particular year, convictions had been obtained only in 17,000 odd cases. I was rather afraid that an argument might be put forward that that being so and the death penalty provided in the Penal Code for murder and the procedure for the trial of criminal cases provided for in the Criminal Procedure Code and the rules of evidence laid down in the Evidence Act not having proved equal to the situation which was created by this large number of murders and because of such a large number of cases having ended in acquittal, all these three Codes should be repealed as having failed in their object. But, Sir, that argument was not developed and it is a novel argument to me that if you enact a measure to meet a particular situation and if that situation is not completely met by that measure within the space of three years, it is undeniably established that there is no justification for continuing that measure. The application of such a principle to the great body of law that governs all civilized societies would leave us with very little law indeed.

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Now, Sir, may I go on to stress certain features of this Bill which I have said have been in danger of becoming rather obscure during the course of the debate. Government have been charged with a hunger for executive power, executive power which they would then misuse for the purpose of repression and oppression and all the other 'tions' to which reference has been made. Now, Sir, does an examination of the Bill now put forward reveal a mentality of that description? As has been stressed by Honourable Members opposite and as also appears from the quotation that I made only a few minutes ago from the speech of the then Home Member, the Criminal Law Amendment Act of 1932, although designed to meet all these dangers, was directed principally against the Civil Disobedience Movement which was then rife in the country. We have been assured by Honourable Members from the Opposite Benches that the Civil Disobedience Movement, though not ended—and they have been at pains to make it clear that it can never end or die—is for the moment, if I might again use the expression—in a State of suspended animation. Now, Sir, what were the provisions in that Act which were designed principally, almost entirely, to meet the dangers which the Civil Disobedience Movement threatened to create in the country? Those were sections 2, 3, 4, 6, 7 and 8.

An Honourable Member : Unlawful associations.

The Honourable Sir Muhammad Zafrullah Khan : The provisions with regard to unlawful associations were only complementary to the provisions contained in the Act of 1908. The substantive provisions that were then brought into force for the first time to meet the Civil Disobedience Movement were, as I have submitted, sections 2, 3, 4, 6, 7 and 8. Out of these sections, this Government thirsting for unlimited executive power which they want to use for the purpose of oppression propose to repeal sections 2, 3, 4, 6 and 8.

An Honourable Member : Eye-wash.

The Honourable Sir Muhammad Zafrullah Khan : It was not the view of Honourable Members when this Act was passed that these provisions were merely an eye-wash,.....

Mr S. Satyamurti : They are all ugly.

The Honourable Sir Muhammad Zafrullah Khan : . . . and were so harmless that the Government thirsting for executive power might throw them away without suffering any diminution in their power. Now, it is proposed to repeal those sections. Does that show that the Government is acting with the kind of motives that have been ascribed to it?

Mr. S. Satyamurti : Yes

The Honourable Sir Muhammad Zafrullah Khan : Or that it wants to accumulate into its hands as much power as possible and then to hold on to that power once it has obtained it. Here is an instance where power which has been obtained is voluntarily sought to be discarded because the circumstances which it was designed to meet have for the moment at least disappeared or at least lost the greater part of their force.

Mr. M. Asaf Ali : So it was intended as a sop.

Mr. S. Satyamurti : A very great abdication.

The Honourable Sir Muhammad Zafrullah Khan : Honourable Members must give Government credit for being able to gauge the opinion in this House pretty accurately. (Hear, hear.) That being so, Government were under no delusion as to any sop with regard to these sections being thrown to the other section of the House. Government took this decision because they felt that at the present moment circumstances did not justify the continuance of these sections. They did it in the hope that at no time would it be necessary to re-enact provisions of this description. (Hear, hear.) If, unfortunately, it becomes necessary to revive provisions of this description Government would then be ready to discharge its duty.

Mr. S. Satyamurti : You will not be there then.

The Honourable Sir Muhammad Zafrullah Khan : Sir, my presence as a Member of the Government or my absence from the Government, I am sure would not make any difference.

Mr. S. Satyamurti : I am talking of the Government as a whole.

The Honourable Sir Muhammad Zafrullah Khan : I have already made observations with regard to the duty and the hopes of the Government which might be formed by Members opposite when their turn comes.

Mr. S. Satyamurti : Wait and see.

The Honourable Sir Muhammad Zafrullah Khan : That is what has been discarded from the old Act. Has anything been added ? Not a line. Has any fresh power been sought to be taken in this Bill which has been presented to the House ?

Mr. S. Satyamurti : Permanent measure

The Honourable Sir Muhammad Zafrullah Khan : I am fully conscious of that. Have I betrayed any indication that I do not realise either the character or the scope of this measure ?

Sardar Sant Singh (West Punjab : Sikh) : Does the Honourable Member approve of substituting executive judgment for judicial judgment ? That is the main question

Mr. President (The Honourable Sir Abdur Rahim) : Honourable Members will please show the courtesy of listening without interrupting

The Honourable Sir Muhammad Zafrullah Khan : That was one general observation which I was anxious to make and that was one feature of the Bill which I was anxious to stress, namely, that that action of Government is a complete reply to this part of the criticism that Government are anxious to accumulate power of this description into their own hands. Now, Sir, I may be permitted to make some observations with regard to the various provisions which are sought to be made permanent without going of course into the details of those provisions. As Honourable Members are aware section 5 is designed to check, to stop the repetition of matters which have been considered obnoxious and the publication of which has been proscribed.

Mr. S. Satyamurti : By the executive.

The Honourable Sir Muhammad Zafrullah Khan : Section 5 itself is only complementary to the various provisions of the law which give the executive power to proscribe literature that may be obnoxious.

Mr. M. Asaf Ali : Whether it is obnoxious or not, it is proscribed.

The Honourable Sir Muhammad Zafrullah Khan : The question under discussion is not with regard to the power of the executive to proscribe literature. The question is whether conditions have arisen which require that in case the power of proscription is to be retained and is to be effectively exercised some further provision has become necessary. Now, Sir, it may be the experience of Honourable Members even on the Opposite Benches, it certainly must be the experience of a very large number of Members on that side that recently it has become the habit with a certain class of offenders to evade and to bring into contempt the provisions designed to stop the publication of offending literature by committing to memory portions of such proscribed poems or proscribed books or proscribed articles and then to repeat them from memory to large audiences and thus not only entirely to frustrate the object of the provisions designed to check the spread of such literature, but to cause a great deal more annoyance, a great deal more suffering than even the publication of the original book or poem or article. It has, therefore, become necessary that if Government are to discharge the duty laid upon them as a civilized government to protect cherished sentiments and ideals, the veneration felt for religious leaders and doctrines that the other provisions shall be supplemented by a provision of the description contained in section 5. As a matter of fact from various sections of the population there have been complaints, and grievances have been felt that during the last three years the powers given by section 5 of the Criminal Law Amendment Act have not been used oftener.

Mr. S. Satyamurti : Oh ! Oh ! How many instances

Mr. Mohan Lal Saksena (Lucknow Division · Non-Muhammadan Rural) : Perhaps you were one of those who made a complaint to that effect

The Honourable Sir Muhammad Zafrullah Khan : Another objection taken was to sub-section (2) of section 5. Sub-section (2), says that no prosecution shall be launched under subsection (1) of section 5 :

“ unless the Local Government has certified that the passage published, circulated or repeated contains, in the opinion of the Local Government, seditious or other matter of the nature referred to in sub-section (1) of section 99-A of the Criminal Procedure Code or sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act.”

And a grievance was made that here again it is a certificate from the executive that is required.

Mr. S. Satyamurti : That is the point.

The Honourable Sir Muhammad Zafrullah Khan : That, I am assured, was the point. I am glad that in this instance at least I did not misapprehend the point sought to be made. Now the criticism could have only two aspects ; either that no certificate should be required of this description, whatever may be the view of the Honourable Members with regard to sub-section (1), with regard to this point of procedure the criticism would be either that there is no need of a certificate and the Court before whom the case goes should decide whether the person who is

being proceeded against has or has not offended the provisions of sub-section (1) ; or,—and this I apprehend was the real point,—that it should not be the executive who should grant that certificate but it should be a Court of law.

Mr. S. Satyamurti : Sir, on a point of personal explanation, my point was that the decision whether the passage was seditious, or otherwise offended against the various other provisions should be vested exclusively in the judiciary and not in the executive. That is the only point

The Honourable Sir Muhammad Zafrullah Khan : The criticism that I was trying to meet was with regard to sub-section (2), and not the general criticism that there should be no provision giving power to the executive to proceed against a person on the ground that he has offended in this respect. It was specifically against sub-section (2) and my reply is that the second aspect of the criticism is out of the question. You cannot say that the Court should first certify that this is an offending passage before the Court can try whether such passage has been offensive or not. The first criticism that there should be no such restriction has not much force for this reason that after all sub-section (2) is a restrictive section. All that it does,—and Honourable Members may not agree that it is very useful,—but all that it does is to check indiscriminate prosecutions. Honourable Members may think that that was not enough of a check or that it was not much of a check. But whenever the provisions of this sub-section are used they will be used to check the number of prosecutions.

Mr. S. Satyamurti : What is the function of the Court left then ? Has the Court any judicial function at all ?

The Honourable Sir Muhammad Zafrullah Khan : I have already explained that the object of this section is that once the powers have been used which are contained in other enactments and which are not at present under discussion, those powers shall be effectively used

Mr. S. Satyamurti : By the executive.

The Honourable Sir Muhammad Zafrullah Khan : Even at the risk of repetition I will try to make that clear which Honourable Members opposite refuse to admit is clear, that whatever the justification for these provisions once a certain publication is sought to be checked the law shall not be evaded by other means which might cause far greater harm than the publication of the original offending document

Mr. S. Satyamurti : Even if there is no offence committed

The Honourable Sir Muhammad Zafrullah Khan : Then, Sir, before going on to the provisions relating to picketing, may I make one brief reference to the provisions, although they occur later in the Act, designed to meet certain kinds of activities of associations that have been declared unlawful ? I have said I shall make only a brief reference to these provisions for the reason that they have come in only for a brief criticism from the Opposition. I do not wish to imply that they are acceptable to them ; but I did apprehend during the course of the debate that their objection was far greater to the provisions with regard to picketing and the press than to those that are directed against unlawful associations. These provisions again are supplementary to the main provisions of the Act of 1908. Section 11 I am sure could not be objected to, not because

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I consider that Honourable Members think that the executive should rightly have the power to declare associations unlawful,—I know they object to that,—and the objection would naturally be directed against the main provisions which enable the executive to declare associations unlawful at all. All that this section does is that powers which up to a certain date the Governor General did possess of declaring associations unlawful, powers which all the Governors do possess at the present moment and which under the Devolution Rules were conferred upon the Local Governments and of which the Governor General was deprived, shall again be vested in the Governor General. Section 12 only concerns procedure. Section 13 is the section which made substantive provisions supplementing the provisions of the Act of 1908 and this section provides by its various sub-sections that once an association has been declared unlawful the executive shall have the power to take possession of the headquarters or the offices of the association, to seize and forfeit their moveables and to seize and forfeit the monies and securities belonging to them.

Sardar Sant Singh : You want to legalise dacoity.

The Honourable Sir Muhammad Zafrullah Khan : Now, Sir, here again whatever may be the criticism against the power to declare associations unlawful, so far as that stage is concerned with which this measure deals, that is to say, that you shall further have the power of seizing these funds and properties, the only question of a judicial nature that could arise, assuming that the Act of 1908 continued as it does continue in operation,

Mr S. Satyamurti : Subject to repeal

The Honourable Sir Muhammad Zafrullah Khan :the only question that could arise would be whether the property that was sought to be confiscated, the funds and securities that were sought to be confiscated, the building of which possession was sought to be taken as being the office of the unlawful association do or do not belong to the association and, therefore are or are not liable to forfeiture. Before I go on to this aspect of the case, may I say one word with regard to the general nature of the activities of these associations ? Once an association has been declared unlawful one of three results might follow. One is that that particular association might suspend or give up altogether the activities which have brought it within the mischief of the provisions of the Act of 1908. In that case the only action, provided that were established, that would follow would be a cancellation of the declaration of the unlawfulness of the association. Another result that might follow is that such a declaration might result in the association being dissolved in which case also the declaration would be cancelled, . .

Mr. S. Satyamurti : No, there is section 18 of the Act.

The Honourable Sir Muhammad Zafrullah Khan : . . . and, in any case, its operation by the action of the members of the association would have been nullified in the sense that it has no association to operate upon, or a third result may follow and has very often followed ; that the association's activities might be driven underground, with possibilities of greater mischief even than when the association operated in the open. If that happens and assuming that its activities were such as were of destructive

of the liberties of the population or a section of the population, it admittedly becomes the duty of the Government to see that the aspect that they have now taken on is dealt with and that the association is rendered harmless as was the object of the original declaration, and the only provisions that the Government could consider as possibly conducing towards that result—and in the case of underground societies not always achieving their object, but the only provisions that could conduce towards that result—are provisions that are contained in section 13. As I have said, the only question that would then arise would be, are Government misusing their powers to take possession of the premises or to seize and confiscate the property of individuals or associations who have no connection with the association that has been declared unlawful and with regard to that, the Act contains provisions that that matter can be settled on a representation being lodged before the principal civil Court of the district in which the seizure or the proposed forfeiture is likely to take place ..

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : In most cases these representations are not successful.

The Honourable Sir Muhammad Zafrullah Khan : That would be the result of the findings of the judiciary in which Honourable Members opposite have as great a confidence as the rest of the population has.

Before I pass on to picketing and the press, may I make another brief allusion to sections 9 and 10 which deal with matters of procedure : they have not been criticised in the House much, but there was some criticism of them by Mr. Satyamurti during the course of his speech. He said, here is something very oppressive in sections 9 and 10—certain offences have been made cognisable and non-bailable. Section 9 related to offences created by sections 2, 3, 4, 5, 6, 7 and 8 ; and as sections 2, 3, 4, 6 and 8 have disappeared, its scope has been limited to offences created by sections 5 and 7. As I have said, section 7, when it is enacted as a permanent measure, would not always be operative : it will be brought into operation only where circumstances justify it. Section 5 would continue in operation. In the case of section 5, the offence has not been made non-bailable, although it has been made cognisable ; and rightly so. For after all, when a reproduction of the publication of offensive matter takes place in the manner which the section is designed to meet, which particular individual is expected to go and lodge a complaint ? If such publication is to be made an offence, it follows as of necessity that it should be made cognisable. The offence, as Honourable Members will observe, has not been made non-bailable. Section 7 when it does constitute an offence, that is to say, when it has been brought into operation, circumstances having arisen justifying its bringing into operation, does make the offence both cognisable and non-bailable : cognisable for this particular reason that the offence contemplated by this section, that is to say, picketing, is directed against mostly, but not always, interference with business people.....

Mr. M. Asaf Ali : Who can always lodge a complaint !

The Honourable Sir Muhammad Zafrullah Khan : I am just coming to that. It might be said that there is no difficulty here : here is the individual who is annoyed and molested, whose business is being interfered with and who can go and lodge his complaint. But experience shows that

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picketing is a form of overawing people and forcing them into submission to proposals which they intensively dislike at heart ; for after all, if a man is willing to come into line with the proposals which are being forced upon him, there is no necessity for picketing. Picketing arises only where by subjecting the individual or a section of society to a peculiar form of annoyance and molestation, it is hoped that he or they may be coerced into taking a line of action which they would not otherwise adopt. That being so, that being the object of picketing, it is useless to expect that a victim of this kind of annoyance and molestation, which often continues through days and weeks, should incur the risk of greater annoyance and molestation, by going and making a complaint against the persons who are subjecting him to this kind of annoyance. It is, therefore, necessary, that an offence of this kind should be made cognisable.

Now, Sir, may I be permitted to make some reference to the two main provisions of the Act which are sought to be revived by this Bill, to which objection has been taken ? The first of these is, as I have said, picketing, which is provided for by section 7. Part of the criticism I have already sought to meet. That criticism was that Civil Disobedience, though not dead, though it can never die—I am careful to repeat this lest I should be misunderstood that the Honourable Members opposite had committed themselves to a position which might become embarrassing to them as a political party—yet it is at the present moment at a very low ebb, and that, therefore, these provisions are not necessary. My submission is that the same is the case with section 7. If the Civil Disobedience Movement is not active, section 7 is not active either, and it is not intended to make it active. When and if activities of that description are revived, Local Governments will have power to bring into operation section 7. So long as one side does not resort to activities which this section is designed to prevent, the section will not be brought into force. Another criticism was that the ordinary law is sufficient to deal with illegal picketing . . .

An Honourable Member : Picketing by illegal means.

The Honourable Sir Muhammad Zafrullah Khan : Picketing by illegal means which I have briefly described as illegal picketing. That is begging the question. If picketing is resorted to by the adoption of illegal means the question begs itself : that is to say, the argument is this : there are certain provisions of the law which you can bring into operation to check certain kinds of picketing. Therefore, why do you want to take power under section 7 to check other kinds of picketing ? For the simple reason that other kinds of picketing do interfere very seriously with that cherished possession of the subject for which Honourable Members have shown such great solicitude the liberty of the subject. It is the duty of all Governments having any pretence to civilized forms . . .

An Honourable Member : Don't say civilized.

The Honourable Sir Muhammad Zafrullah Khan :to secure conditions which should enable all citizens to pursue their legitimate callings without being subjected to annoyances and molestations of this kind. It is all very well to say peaceful picketing.

Mr. S. Satyamurti : Yes.

The Honourable Sir Muhammad Zafrullah Khan : In the first place, however good the intention behind this kind of picketing may be, experience shows that picketing of this description soon develops into anything but peaceful picketing.....

Mr S. Satyamurti : Because of rowdyism by the police.

Mr. President (The Honourable Sir Abdur Rahim) : Let the Honourable Member go on without interruption. It is very unfair.

The Honourable Sir Muhammad Zafrullah Khan : The object of this legislation is not to punish people at the later stages of this peaceful picketing when it ceases to be peaceful, but to prevent a state of affairs arising in which something will have been done upon which much graver punishment must necessarily follow, but the main object, as I have said, is to secure that every man shall be enabled to carry on his calling without interference and most obnoxious interference of the kind to which he is subjected in the name of peaceful picketing. Picketing of this kind interferes with the elementary right of the citizen, it interferes with the freedom of contract. It is said that criminal force is prohibited. So it is. It is said intimidation is prohibited, so it is, but what is not prohibited and what this section seeks to prohibit is half a dozen or a dozen men or even three or four men going and standing outside a shop, seeing a person approaching the shop to buy certain things from a shopkeeper and the shopkeeper willing to sell, and their jeering at the prospective buyer and the shopkeeper transacting the business, and this is what is described as peaceful picketing. Peaceful picketing often takes the form of jeering at and using insulting epithets both for the prospective customer and the shopkeeper, and human nature being what it is, this form of so-called peaceful picketing often develops into very much worse things. That is the experience of everybody. If you choose to shut your eyes to actual experience, I am afraid I cannot help to bring light to those who must keep the windows closed all the time round them. Sir, a quotation was made from one of Lord Morley's letters to the Earl of Minto. It was said what right have people who themselves shout from the housetops 'Buy British' to prevent other people from carrying on propaganda in favour of 'Buy Indian'?

Mr. S. Satyamurti : That is Lord Irwin

The Honourable Sir Muhammad Zafrullah Khan : I stand corrected. Nobody on this side of the House differs from that sentiment

Several Honourable Members : Oh, oh !

The Honourable Sir Muhammad Zafrullah Khan : If every building in the country was placarded from top to bottom with placards saying 'Buy Indian', not the slightest objection could possibly be taken to that kind of propaganda by anyone on this side of the House.

Mr. M. Asaf Ali : Hundreds of prosecutions were undertaken on that ground alone

Mr. S. Satyamurti : Hundreds of prosecutions have taken place.

The Honourable Sir Muhammad Zafrullah Khan : Honourable Members are aware.....

Mr. President (The Honourable Sir Abdur Rahim) : Honourable Members had their opportunity to speak. They ought to listen to the other side with patience.

Prof. N. G. Ranga : On a point of personal explanation, Sir. I think it is a legitimate form of parliamentary procedure to interrupt whenever it is possible.....

Mr. President (The Honourable Sir Abdur Rahim) : So far as the Honourable Member is concerned, he is always interfering and making it impossible for the Chair and for most of the Members of this House to follow the proceedings, and the Chair does not think it is fair. He must accept the ruling of the Chair that it is not the proper parliamentary behaviour to be constantly interrupting.

Prof. N. G. Ranga : I accept your ruling, Sir.

The Honourable Sir Muhammad Zafrullah Khan : As Honourable Members are aware, there is an *Explanation* appended to this section. I shall read out that *Explanation*, although I am sure that even in the absence of that *Explanation* the situation would be exactly the same as if that *Explanation* had been explicitly enacted, because the section does not even by implication make that illegal, which this *Explanation* declares expressly as perfectly legal. "Encouragement of indigenous industries or advocacy of temperance without the commission of any of the acts prohibited by this section is not an offence under this section, so that legitimate forms of propaganda, however intensively carried on are not sought to be restricted by the provisions of this section."

May I, Sir, now pass on to the portion which deals with the press ? It has been said that the press is the most potent instrument for the spread of knowledge, for the spread of culture and of civilization for bringing light into the dark corners of the life of the poor and ignorant people. Sir, I subscribe in the fullest degree to that general statement. As a matter of fact, a quotation was read out by one Honourable Member from Sheridan, who has described the press as a mighty engine. I accept it. But then, Sir, power, particularly great power, engines and more particularly mighty engines are sometimes liable to abuse. I hope that that also will not be denied, and if that is so, this power which may be used for good is sometimes apt to be used for evil, and it would be the function of a wise Government to devise such checks which, without unduly interfering with the beneficent activities of such a mighty engine, should safeguard society from the baneful activities of this mighty engine. To that principle no exception can be taken. I apprehend that the criticism was that the provisions which form part of this Act which is sought to be made permanent are unduly restrictive of the legitimate liberties of the press. Now, Sir, one comparison was made and it was stated that there were instances of not only liberty but even of the licence of the press in England, yet no restrictive powers had been found necessary there, and so why should we impose restrictions on the press here. I have spoken of licence, because the Honourable Member who read those instances himself said that he had not much sympathy with what had been said, he was not necessarily approving the subject matter but he was merely citing those instances to show what liberty or licence was allowed there. I have not had time to look up those instances since the Honourable Member concluded his speech, but I understand that those were instances cited in support of a restrictive measure which was then before the House of Commons,—Incitement to Mutiny Act, and therefore they lose their point from that particular point of view. But apart from that.....

Pandit Govind Ballabh Pant : A word of personal explanation, Sir. I did not argue that no sort of action is necessary where wrong is committed. What I was arguing was this that no power had been given to the executive to impose restraints on the press in spite of the existence of such licence. That was my point. (Cheers from Congress Benches.) I know that the discussion was in connection with a Bill which provided a sentence of three months for maliciously circulating such pamphlets. I have no objection to that.

The Honourable Sir Muhammad Zafrullah Khan : The only point that I was making was that licence of the kind referred to by the Honourable Member had been made punishable in England.....

Pandit Govind Ballabh Pant : It is punishable here.

Mr. S. Satyamurti : By Courts.

The Honourable Sir Muhammad Zafrullah Khan : I apprehend the distinction perfectly. I hope it has not been the experience of Honourable Members opposite during the very brief period that I have been a Member of this House that I have at any time failed to understand a point that they have been seeking to make. I will come back in a moment to the point which was sought to be made and which I did not intend to ignore as the second branch of the contention, but may I first interpose a remark? Whenever Honourable Members in the course of their speeches and in the course of the debate on this motion were reminded that in most of the European countries liberty, especially the kind of liberty which was being pleaded for here, was much more restricted than it was in India, the retort from Honourable Members opposite was, we are not talking of countries where there are dictatorships, we are not talking of countries where there are non-democratic Governments, we are talking of a country which at least claims to possess a representative form of Government. Then they went on to cite instances from England in order to show that that was the only country with which conditions can stand comparison. But do conditions here stand comparison with conditions in England? My contention is that in considering the provisions of a Bill of this description, you will have to consider all the circumstances which such a measure is designed to meet, not merely the word of the enactment, but also the conditions, the material to which they have to be applied, the state of society to which they have to be applied. Now, Sir, there are countries,—I will not more particularly specify any, but there are countries where voluntary restraints upon freedom of speech and freedom of the press are obeyed to such an extent that either no restrictive provisions of law are required to assure to persons who may become the object of the attentions of the right of free speech and the right of free press, the enjoyment of what was described by one Honourable Member as the repose of life, where it does not become necessary to impose any restriction by law, or the minimum restrictions suffice. There are such countries. There are countries where the sense of humour of the population itself would check any mischief that might be apprehended from propaganda of this description in other countries where conditions might be entirely different. As I said, allusion has been made to conditions in England. It has been said, Communism is preached in England far more openly and to a much larger degree than it is preached or attempted to be preached in India, they do not have provisions of this description, and why do you find it necessary to have

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provisions of this description? Yes, Sir, Communism is preached in England far more openly and to a far greater extent than it is done in India. It is generally done in the neighbourhood of the marble arch on Sunday afternoons in Hyde Park by preachers whose stock-in-trade generally consists of black flag and a stool to stand upon.

An Honourable Member : Red flag.

The Honourable Sir Muhammad Zafrullah Khan : Red flag, I stand corrected. Sir, I confess to an ignorance of the details of the insignia of associations and organisations which carry on propaganda of this description.

Mr. S Satyamurti : Except the Union Jack !

The Honourable Sir Muhammad Zafrullah Khan : Certainly. It is preached openly, but what happens? When that kind of inflammatory speech is applied to the material which is available what is the result? People come on, they listen to this kind of language for a few minutes or longer, and in the end they laugh the speaker down in scorn. That is the safeguard.

An Honourable Member : Not always

The Honourable Sir Muhammad Zafrullah Khan : People there make it unnecessary that laws of this description should be enacted. (Interruption) Then, Sir, I believe it was my Honourable friend, Pandit Krishna Kanta Malaviya, who unfolded before the House a long tale of suffering, suffering inflicted upon the journalists and newspapermen by measures of this description. He seemed to be supremely unconscious of the suffering inflicted upon sections of the populace by the license of the press, by reputations destroyed or attempted to be destroyed, by peace of mind killed or attempted to be killed, and Government owe a duty both to the journalists and those who read the effusions of journalists. And their duty is to see that, whereas the press shall not be unduly restricted, no man's peace of mind shall be unduly constrained or interfered with by the publication of seditious or scurrilous literature in the form of newspapers and journals.

An Honourable Member : Prosecute them

The Honourable Sir Muhammad Zafrullah Khan : Experience has shown very often that when prosecutions are undertaken for this purpose there is far greater publicity, there is far greater suffering that is inflicted as a result of the prosecution than is likely to result from executive action being taken to check the evil. (Interruption.) I am rather glad to find that my speech is troubling Honourable Members opposite to such an extent, because, after all, that is only proof of the fact that the arguments are going home. (Cheers from Official Benches.) That sometimes the exercise of liberty might degenerate into the exercise of license has only been too manifest more especially in recent years in this country. Sentiments are openly expressed, not that there is a desire to change this form of Government—that has been recognised and nobody can have any possible objection to that, it is a legitimate and laudable desire,—sentiments have been openly expressed that if it were possible for the speaker he would break this form of Government this moment.....

An Honourable Member : Why not ?

The Honourable Sir Muhammad Zafrullah Khan :breakage always involves violence. (Interruption.) Then a judgment was quoted of a very eminent Chief Justice, the Chief Justice both of Bombay and of Calcutta, in support of the condemnation of this measure. May I be permitted to make a very brief quotation from that very judgment of that learned Judge ? He said :

“ Courts of law can only move on defined lines and act on information brought before them under limited conditions. It is not so with the executive authority. It would be paralysed if it had to observe the restrictions placed on the Courts. Its action can be prompted by information derived from sources not open to the Courts and based on considerations forbidden to them, it can be moved by impressions and personal experience to which no expression can be given in a Court but which may be a very potent incentive to executive action. Government may be in possession of information which it would be impossible to disclose in a Court of law and yet obviously requiring immediate action. Therefore a jurisdiction to pronounce on the wisdom or unwisdom of the executive action has been withheld.”

Later on the same Honourable Judge observes :

“ Political conditions and reasons of State are the life blood of executive action but they have no place in a Court of law.”

I do hope that Honourable Members who made quotations from this judgment in support of the argument that the provisions of the Act, designed to check the activities of a certain kind of press were unduly restrictive, will be convinced by the arguments of the same Honourable Judge, for it very often becomes the imperative duty of Government to take executive action without submitting their action to the scrutiny of a Court of law.

Sir, one word more and I have done. One Honourable Member told us, whatever he meant by it—you want to establish peace and tranquillity. He said sometimes tranquillity may be the tranquillity of death but that what he wanted was the repose of life. As I said, whatever he might have meant by the repose of life, it is because Government are anxious to secure to all sections of the population the repose to which they are entitled—protection against unwarranted attacks, whether against their reputation or against their cherished beliefs or traditions or the ideals which they hold sacred, that Government have been forced to the conclusion that it is necessary to continue those sections of the present Criminal Law Amendment Act with regard to which there is a motion for consideration before the House now. Sir, Government by this measure seek to guard the repose of life and to check the turbulence of license. I support the motion.

Mr. F. E. James : After the speech of the Honourable the Commerce Member, I do not propose to do more than examine a few general principles on which we on this side of the House support the Bill and a few of the general objections that have been raised by Members of the Opposition. In the first place, I would lay down four general propositions in regard to the relation between the State and the public order and private liberty on which I believe we shall find common ground with the Members of the Opposition. The first proposition is that any State is justified in assuming to itself powers to deal with movements which are directed against the stability of the State, public security and the liberty of the individual. All the movements we have been discussing during these past few days are

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essentially movements directed against these three objects. The second proposition is that the State is justified in taking special powers, if the ordinary law cannot deal with those movements. I take it that even my Honourable friends on the other side would accept,—and it has been demonstrated amply during the course of the debate—that these movements are such as cannot be dealt with under the ordinary law. Those friends of mine who are lawyers know that the Indian Evidence Act itself has no parallel in the world.....

Mr. S. Satyamurti : It is one of the finest Acts.

Mr. F. E. James : as an obstacle to the obtaining of convictions of palpable and known criminals. Perhaps that is the reason why my friend, Mr. Satyamurti, praises that amazing Statute. Now, the third proposition is that the State is justified in curtailing the liberty of the individual for the sake of the liberty of the community. My Honourable friend, the Commerce Member, has already referred to the existence of the Indian Penal Code which itself is a restriction upon the liberty of the individual for the sake of the liberty of the community. The final proposition which I would ask my Honourable friends to accept is that such special powers should not be of such a character as to stifle reasonable expression of opinion or to hinder the liberty of the individual to pursue his normal avocation. My Honourable friend, the Commerce Member, has already demonstrated that the system of picketing, which was part of the Civil Disobedience Movement and has now, as a result of that movement, come to stay in this country for social and economic purposes, is a system which aims directly at the liberty of the individual to pursue his normal avocation in life. If you look at these propositions from the point of view of the press, I suggest that there is no Honourable Member of this House who can affirm that the law as it stands today does not allow reasonable expression of opinion on the part of the press. If that is not the case, then why is it that since 1931, something like 700 persons, either journalists or owners of presses, have thought it worth while to start new presses, new periodicals or new newspapers ? Does that look like strangulation ? Does that look like interference with the liberty of the press ? I am perfectly prepared to admit that control of any kind is regrettable but where it is necessary, it justifies itself. I am reminded of a conversation which I had with one of the most brilliant journalists in this country, the late Mr Rangaswami Aiyangar, the Editor of the *Hindu*. Mr. Rangaswami Aiyangar shared this dislike, on principle, of any control of the press whatsoever. But, in the course of our conversation, I asked him what effect did these particular press laws have upon him as a working journalist. His answer was that “as far as I am concerned, and my articles, I feel just as free now as I was before those restrictions”.

Mr. S. Satyamurti : He was opposed to the Press Act all the same.

Mr. F. E. James : He said : “The great difficulty with which I have to contend is that I have to be much more careful in examining the contributions which come from my correspondents in the mofussil, many of whom are correspondents only for a short time, and of whom many come and go and that is one of the great difficulties of the press today.” My Honourable friends speak of the Press Law as though it is restrictive ;

they speak of the press as though it has suffered some great hardship because of these restrictions I would suggest to them that the press today is as free as it deserves to be (*Cries of "Oh, oh"*) The press of any country is as free as it deserves to be. In my country it deserves to be freer than in this country To show why I make that statement, I would like to read a few extracts. I do not want to weary the House but I will read to you a few observations made by papers in this country in regard to the Quetta Earthquake and if any Member is interested he can have the names of the papers and the dates on which those articles appeared. Here is a paper in South India which, in regard to the Quetta Earthquake, stated that the Government kept the country ignorant of the facts; that the extent of the loss was due to an explosion of ammunition, and that the Relief Fund which was raised by His Excellency the Viceroy was being used for the defence of India. (*Cries of "Shame, shame"*)

Here is another paper in South India :

"Hundreds of persons could have been saved, but the military did not pay adequate attention to the saving of life" (*Interruptions*)

Here is another paper; this is in the United Provinces It quotes instances to show the highly diabolical nature of the military administration. It states that the military forcibly took away money, that hundreds and thousands might have been saved, that the prohibition of entry into Quetta was in order to prevent the military from coming into contact with the general public, and especially the Nationalist Party (*Laughter*) Here is another paper, also in the United Provinces :

An Honourable Member : What is the name of the paper ?

Mr. F. E. James : *Gharib*, published in Saharanpur; this article appeared on the 11th June, 1935 This is what this paper alleged. (*Interruptions*) Do not my Honourable friends want to hear them ? (*Voices : "Go on, go on"*.) This is what is contained in this paper :

"White soldiers cut off the hands of half-dead women and took away their gold ornaments" (*Cries of "Shame, shame!"*)

Now, does that paper deserve to exist ?

An Honourable Member : Were they prosecuted ?

Mr. F. E. James : Here is another one, of the same month, and the following day :

"Women had to hand over their ornaments before they were allowed to be rescued. They were then subjected to immoral treatment, and the chastity of girls was molested." (*Cries of "Shame, shame!"*)

An Honourable Member : How many of these were prosecuted ?

Mr. F. E. James : I suggest, Sir, that illustrations like that indicate that the press in this country does not deserve to be as free as the press of my country, where (*Cries of "Oh, oh!"*) public opinion would in such cases have risen up against it After all, the whole must suffer for the part (*Cries of "Oh, oh!"*)—that is the rule of law as well as the rule of life : and if there is a section of the press which can descend to such low depths as I have quoted, I suggest there is every justification for such control as is suggested in this Bill. (*Hear, hear.*)

[Mr F. E. James.]

Now, Sir, I turn to one or two of the general arguments advanced by the Members of the Opposition against this Bill. The first argument that I noted was that this Bill, in any circumstances, cannot receive our sanction because the present administration is thoroughly bad. That was the argument used by my friend, Mr. Fuzlu Huq, mainly on the ground that he did not receive a reply to a letter ! But I suggest to him and to his friends that that argument begs the question. Whether or not the administration of this country is bad under its present rulers is a matter of opinion. Personally, I am not ashamed (interruptions), personally, I am not ashamed of the history of British administration in this country.

An Honourable Member : Of course you are not !

Another Honourable Member : Why should you ?

Mr F. E. James : Sir, I am not ashamed of the administration of this country under present circumstances, and I only hope that when my Honourable friends come to power, they will do half as well.

An Honourable Member : Hurrah !

Mr. F. E. James : But I would point out to my Honourable friends, when they say they do not like the present administration, that they are going to be given an opportunity to change it. In fact, all the present occupants of the Front Benches over there will in a very short time give way to Ministers who will be responsible to this House ; and I would also point out to my Honourable friends that, in the provinces, which are so much criticised today, they will have plenty of opportunities of displaying their powers of administration. Sir, it is thus evading the issue to blame the present administration ; but that is a particular kind of manœuvre which Honourable Members opposite have been continually pursuing for the last three days. Then, Sir, another argument is that these movements which we are seeking to deal with are the result of the dissatisfaction with the existing political and economic conditions. Now let us examine that proposition. Take the political aspect first. That kind of argument leads directly to anarchism. If you believe that, because you do not like the present political conditions, therefore, you should give a free rein to anarchical and revolutionary movements, then you are yourself admitting that what you really want is some revolution in this country to change the administration by force. My Honourable friend, Mr Satyamurti, had the hardihood to say—"things will be all right when we get Swaraj ; give us Swaraj and then people will be free".

An Honourable Member : Three cheers !

Mr. F. E. James : Sir, if my friend thinks for one moment that when he gets Swaraj and becomes the chief minister in Madras, terrorism, Communism and communalism will cease, then he lives in a fool's paradise. (Hear, hear.)

Mr S. Satyamurti : Sir, my friend is a terrorist, and he knows more about terrorism than I do !

Mr. F. E. James : And I am afraid that is the only paradise he will ever reach. Now take the economic argument. Here I would like to express my agreement with some of the sentiments which have been uttered on the other side of the House.

An Honourable Member : Thank you

Mr. F. E. James : Sir, I agree that the ultimate solution of the problem is to be found not merely in negative resistance but in the abolition of the conditions out of which these movements gain strength.

An Honourable Member : Thank you

Mr. F. E. James : Yet, I would ask Honourable Members to consider what countries have solved their economic problems. Does that justify terrorism anywhere ? Does that justify terrorism in my own country ? Does it justify terrorism in the other countries where economic conditions are as bad as they are here ? (Interruptions)

Mr. President (The Honourable Sir Abdur Rahim) Order, order.

Mr. F. E. James : And, furthermore, can Honourable Members say honestly that this Government or the existing Provincial Governments are indifferent to the great problem of economic conditions ?

Mr. S. Satyamurti : They are—they are.

Mr. F. E. James : I shall only refer to the white paper that was laid on the table the other day by the Honourable the Finance Member on this subject.

Mr. S. Satyamurti : “ Paper ” after all !

Mr. A. K. Fazlul Huq : Sir, I would like to ask...

Mr. President (The Honourable Sir Abdur Rahim) : Is it a personal explanation that the Honourable Member wants to make ?

Mr. A. K. Fazlul Huq : I rise on a point of information, Sir. My Honourable friend was referring to other countries in comparison with the condition of things in India. Will my Honourable friend tell this House the average income per head in India as compared with England and other countries ? (Hear, hear)

Mr. F. E. James : And will my Honourable friend tell me the average cost of subsistence in this country as compared with other countries in the West ? Sir, when I was interrupted, I was referring to the white paper that was laid on the table the other day by the Honourable the Finance Member. I am told there is nothing in that, there is nothing for the uplift of the poor in that. Yet I make bold to say that in that document there is contained more hope for the villages than have been put forward for them by the Village Industries Association.

An Honourable Member : Hurrah !

Mr. F. E. James : Now, Sir, I would come to the second point under this head and that is the argument as far as terrorism is concerned. In this connection I want to say something about my Honourable friend, Pandit Krishna Kant Malaviya's speech. When I read that speech carefully I found that certain passages of it were definitely a laudation of terrorism and I will read the particular passages concerned. My friend need not rise to any personal explanation as he has already made too many of them. This is the first statement : “ I plead guilty to the charge of admiration of terrorists.” What is that but laudation ? The second one is : “ These are deeds of great sacrifice, deeds above the common run.” Is that laudation or not ?

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Please go on.

Mr F. E. James : I know he is getting very uncomfortable. Now, this is the third statement : " I should be less than human if I did not admire deeds which exact my respect and admiration " Is that laudation or is it not ? He referred to Midnapore and he spoke of the Honourable Member from Midnapore, Mr. Griffiths. He asked him to trust the people and they would give up terrorism. May I ask him what happened to those three predecessors of his who trusted the people ? May I ask him what happened to the man who trusted the people in the Court, the man who trusted the people in the District Board's office, nay, that man who trusted the people on the football field ? They were shot down like rats. And yet he tells me that if the Member for Midnapore will only trust the people, the terrorists will give up their nefarious crimes. I suggest to my Honourable friend that he is beginning at the wrong end and I hope that when he spoke he was not speaking for the Party which is led by my distinguished friend, Mr. Aney. Sir, let me say straightaway that economic conditions are not at the bottom of the organisation of terrorism. These men who are at the back of the movement are, and have been, well supplied with funds for many years. They are not starving. Where do they get their recruits ? I will tell my Honourable friend, the Pandit, where they get them from. They get their recruits from speeches and writings such as those of my Honourable friend on the floor of the House the other day which are listened to by those whose economic future is dark or by those who have an unbalanced but sentimental attachment to the country of their birth. That is where they get their recruits from. I would appeal to my Honourable friend not to dabble in such motions as the one which he has tabled at the present time. There is nothing in that. If he is really honest and sincere in his endeavour to root out terrorism from the land, let him go to Bengal and offer his services unreservedly to the authorities in that province who are, on the one hand, engaged in the difficult task of stamping out terrorism and, on the other hand, engaged in the still more difficult task of reconstructing the economic life of Bengal. My Honourable friend is under a great misapprehension and so are the Leaders of the Congress Party if they think for one moment that the terrorists want to free this country either politically or economically. What the terrorists want to do is to terrorise the country and it does not matter which Government is in power. They will terrorise the Svaraj Government of the year after next exactly in the same way as they are doing now.

Now, Sir, there is the final argument which my Honourable friends on the other side have used always. They say that these movements do not exist—then why are you raising a bogey about them ? Terrorism, they say, is already being controlled and it is practically finished. The speech of my Honourable friend, the Member from Midnapore, is a sufficient answer to that and the facts which are published practically every day show the existence of it. But, I want to deal for a moment with the same argument in reference to Communism and here I would like to refer briefly to my Honourable friend, the *ex*-Mayor of Bombay and the *ex*-President of the Rationalist Association. Now, Sir, he used the argument that there were plenty of books about Communism and anybody could read of its general principles in them. What was the harm ? He did not think that it was

such a terrible thing that it had to be controlled by special methods. I would read to him, first of all, the aims of the Communist Party in India, at least some of them, and then their methods and then a number of extracts from the aims of the Communist International on which the programme of the Communist Party is based.

First of all, the Communist Party in India aims, among others, at the following :

“ The complete independence of India by the violent overthrow of British rule. The cancellation of all debts The confiscation and nationalisation of all British factories, banks, railways, sea and river transport and plantations

The confiscation without compensation of all the lands, forests, and other property of the landlords, ruling princes, churches, the British Government, officials and money-lenders, (*Why they should go hand in hand, I do not know*), and handing them over for use of the toiling peasantry. Cancellation of slave agreements and all the indebtedness of the peasantry to moneylenders and banks ”

Does my Honourable friend the *ex*-Mayor of Bombay still think that these are harmless notions ?

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : The confiscation of debts they must have taken from England.

Mr. F. E. James : When my Honourable friend comes into authority and has to deal with these Communists, does he think that these powers will not be necessary ?

Now, Sir, here are some of the methods which are supposed to be used :

“ To develop a general strike and convert it into a general political strike.

To develop the spontaneous peasant movement for the non-payment of rent, debts and taxes into an All-India movement and direct it into the channels of an agrarian revolution.

To develop a nation-wide movement for independence, attracting the petty bourgeoisie to it besides workers and peasants and isolating the bourgeoisie and the bourgeoisie national Congress ”

I am sure my Honourable friends do not like these methods.

Now, here is the programme of the Communist International on which the programme of the Indian Communist Party is based :

“ Hatred of God and all forms of religion, destruction of private property and inheritance, absolute social and racial equality, promotion of class hatred; revolutionary propaganda through the Communist International, stirring up communist activities in foreign countries in order to cause strikes, riots, sabotage, bloodshed, and civil war.

Destruction of all forms of representative or democratic government, including civil liberties, such as freedom of speech or the Press, of Assembly and trial by jury.”

Yet, my Honourable friend says that there is no harm in this Communist Party and there is no harm in this Communism. He reminds me of the story of three little pigs which was on the screen a short time ago. These three little pigs used to dance in joyous abandon and say : “ Who is afraid of the big bad wolf ? ” And yet the moment the big bad wolf appeared, these three little pigs used to rush to get under the bed. When this big bad wolf becomes a reality and my Honourable friend, the *ex*-Mayor of Bombay, sees something of its destructive force, I am sure he will be the first to try and place his portly body under the protection of some bed

Dr. G. V. Deshmukh : You are not alluding to the Home Member I think.

Mr. F. E. James : I will now deal briefly with the third aspect of this problem and that is the problem of communalism. Here I wish to speak very carefully and in such a way as not to wound anybody's feelings. I do not want to suggest to those who have spoken about the third party in the matter that this constant reference to the third party is only shirking the real issue. They know it as well as I do. I would also like to remind them that this third party, however unpleasant its presence may have been in the past, has, on many occasions, saved India from a positive holocaust. I want to make it perfectly clear that communalism as such has no supporters in this Group. I want to say that if it is a fact that the communal tension today is greater than it has been in the past—I am not expressing any opinion on that,—it brings no pleasure either to the heart or mind of any Member of my Party. I would echo the words of my Honourable friend, the Mayor of Calcutta, which he used in his speech yesterday when he pleaded for toleration. I suggest to the Honourable Members that the issues involved are very delicate indeed and cannot be brushed aside by throwing the blame on the third party. There is the struggle for power, the economic problem in Bengal particularly, there is the power of fanaticism in spite of moderate leaders. All these issues are involved in this communal problem and there are many other difficulties. The future of India, whether under the present Constitution or under the next, will depend to a very large extent on the way in which communal difficulties are faced by the leaders of the various movements. I may also say that as far as it lies in our power as a small microscopic community in this country, we shall always be willing to lend whatever assistance we possibly can if it can in any way help towards settling some of these difficult communal problems. (Hear, hear.)

Mr. S. Satyamurti : Then give up your ill-gotten eleven seats in Bengal!

Mr. F. E. James : I said nothing about any seat anywhere.

Mr. S. Satyamurti : You are quite comfortable.

Mr. F. E. James : My Honourable friends are counting their chickens before they are hatched.

Mr. Mohan Lal Saksena : But you will play the part of the monkey in the story of the monkey and the two cats.

Mr. F. E. James : I want to put it to my Honourable friends that they cannot deny the existence of these movements.

Mr. M. Asaf Ali : We do.

Mr. F. E. James : My Honourable friend would deny his very existence.

Mr. M. Asaf Ali : Have you given any number as regards the Communists in this country? How many people are there? You talk of Communism in such a vast country as India!

Mr. F. E. James : My Honourable friend if he has the eyes to see can read the facts in the papers. Practically every day he will see events in the country which would lead him to conclude that there is

terrorism, Communism and communalism existing in our land at the present moment.

Mr. M. Asaf Ali : I was referring only to Communism

Mr. F. E. James : I have long ago passed that part of the subject. Nor can the Leaders of the Congress Party deny their own responsibility in these matters. It has been proved to the hilt in the past that the Congress Party, in different parts of the country, either directly or indirectly were connected with the terrorist movement

Mr. S. Satyamurti : Nonsense. Utter nonsense

Mr. F. E. James : Any one who has read the speech delivered the other day by the Honourable the Leader of the House would come to that conclusion. That speech still remains uncontradicted.

Mr. S. Satyamurti : He has not yet finished his speech. We will reply to his allegations when our turn comes.

Mr. F. E. James : I say that the Honourable Members on the opposite side as members of the Congress cannot shirk their responsibility in the matter. Take the question of Communism and communalism. Can the Congress entirely divorce themselves of responsibility in regard to both these two menaces ?

Mr. S. Satyamurti : Yes. We can

Mr. F. E. James : Can they still affirm that, in spite of the fact that the contrary is proved every day, the ordinary law of the land is enough ?

Mr. S. Satyamurti : Yes, perfectly. The ordinary law of the land is enough

Mr. F. E. James : I would remind my Honourable friend, Mr. Satyamurti, that, able lawyer as he is, he cannot meet terrorism with theories of jurisprudence or with books of law.

Mr. S. Satyamurti : You want to shoot them down !

Mr. F. E. James : You cannot meet terrorism with the ordinary law of the land. Even the powers that have been taken at present have not been sufficient to bring this movement under complete and absolute control. Therefore, I would ask my Honourable friends to let us know what is their alternative. They cannot ignore the existence of these evils. They cannot affirm with any reason that they can meet these evils by the ordinary law of the land. They cannot deny the right of the State to protect itself. What solution have they got for this menace ?

Mr. S. Satyamurti : Swaraj. (Hear, hear.)

Mr. F. E. James : What is their alternative ? My Honourable friend is shouting Swaraj like a parrot. May I remind my Honourable friend that Swaraj will not bring a solution of all the evils, that flesh is heir to, in spite of the fact that the Honourable Member said in his recent lectures in the South of India that when he got Swaraj the rain would fall from the heavens

Mr. S. Satyamurti : I am sorry to interrupt my Honourable friend. As he quoted me, I must rise to a point of personal explanation. I

[Mr. S. Satyamurti.]

never said that, when Swaraj comes, rains will fall directly from heaven. What I said was, when Swaraj comes, the rains falling from heaven will not be allowed to go waste into the sea but will be conserved for irrigation purposes in this country. (Hear, hear.) (Applause)

Mr. F. E. James : My Honourable friend said a lot of things in India during the summer

Mr. S. Satyamurti : So did you.

Mr. F. E. James :... .. some of them were authorised, some of them were not authorised. His description as given in one of the Congress papers as the "enfant terrible of the party" is not altogether unmerited. But I may tell my Honourable friends that if they have any constructive plan, we are prepared to consider it here and now. When I listened to the speech of my Honourable friend, I could not find any constructive suggestions for improving this Bill. If they have no constructive alternative, then, as far as we are concerned, we have to tell the Honourable the Home Member that we want the Bill, the whole Bill and nothing but the Bill. That is our final word.

Mr. S. Satyamurti : No amendments therefore.

Mr. F. E. James : Now, my last word is in reference to the appeal which has been made by the Honourable Members opposite to what they call the liberty of Englishmen. I am glad that they have paid us that compliment. We are proud of it. India's position today is due to the fact that England is the greatest liberty-loving country in the world.

Mr. S. Satyamurti : Ask Egypt, ask Ireland, ask America. You call England a liberty-loving country !

Mr. F. E. James : I cannot blame my Honourable friends for not knowing when they are well-off. Under whom would they like to be ? Under Italy or Germany ?

Mr. S. Satyamurti : Under ourselves. Neither under Italy nor under Germany nor under you !

Mr. F. E. James : Under yourself !

Mr. S. Satyamurti : We will kick all of you out.

Mr. F. E. James : My Honourable friends say they would like to be under themselves. Let me tell them this. They can be under themselves the moment they deserve to be a free and united country.

Mr. S. Satyamurti : We shall become a free and united country by driving you all out

Mr. F. E. James : May I also remind my Honourable friends that the liberty of England of which they have spoken so much, that liberty which we love and are proud of, is liberty because we have learned how to protect it. Let me give Honourable Members two pictures. During the economic crisis, when unemployment stalked the land, when credit was falling and when there was the threat of starvation at the door of many a home. . . .

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : When Charles I was killed. (Laughter.)

Mr. F. E. James : My Honourable friend's interruption is a measure of his own intellectuality. I said, why we love our liberty ? Because, even during those times, the head of terrorism or Communism had shown itself, the good sense of our people would in one united blow have shattered its hopes. I would remind my Honourable friends of what happened in England during the general strike. The general strike was a strike which was engineered by the Trades Union Congress. It was interpreted by the people of my country as an attempt by a section to intimidate the whole community. What happened ? Every one, whether he came from the university or whether he came from the workshop, came to the rescue of Government and determined to show the Trades Union Congress that the community of England would never be intimidated by one section. And the whole of the middle classes enrolled and made it possible for that strike to be called off and for England once more to be called the land of liberty. What happens here ? During the last 15 years terrorism has shown its head. What has been the attitude of my Honourable friends opposite ? What has been the attitude of the dominant party in the land ? That party did not fight it in the beginning (*Cries of "We have, always."*) That party was inextricably mixed up in Bengal with the terrorist organisation (*Cries of "No"*)—these are facts which my Honourable friends cannot possibly refute. You can have your liberty if you know how to protect it. Liberty is not only something that grows in genial soil, but it is something that has to be protected and guarded, and until the common people of the land know how to protect themselves against those influences that are directed against their own liberties, the State must protect them. For liberty, let me remind my friends, "is not secure save in the hands of discipline."

Mr. Abdul Matin Chaudhury (Assam Muhammadan) : Sir, the Honourable the Home Member in concluding his speech appealed to the Members of this House to discuss this measure without any heat or passion. For my own part, Sir, I intend to respect that appeal. I would like to examine in the light of cold logic whether, under the circumstances that exist today, we cannot afford to dispense with this Criminal Law Amendment Act. In recent years, Sir, we have passed through very tumultuous times. The Congress had thrown a challenge to Government by launching the Civil Disobedience Movement. Terrorism had raised its head. I think the year 1932 marked a peak year of terrorist activities. Since then owing to the energetic action taken by Government and the open and unequivocal condemnation of terrorism by the public and the press the movement to a large extent has subsided. It has been brought under control. The Civil Disobedience Movement, according to Government themselves is in abeyance. The only question with which we are concerned is whether in the tranquil atmosphere in which we live today we can arm the executive with the power which they do not need to exercise ; and on that question I think there is only one answer possible, and that is an emphatic negative. It has been said, Sir, that any relaxation of control will lead to the revival of terrorist activities. We all know, Sir, that the cult of terrorism thrives most in an atmosphere of intense political excitement and when that atmosphere is absent, when that stimulus is absent, that movement slackens ; it dies of inanition. The terrorists were most active during the Anti-Partition agitation days. Terrorism was again revived during

[Mr. Abdul Matin Chaudhury.]

the political turmoil of recent years. Now, Sir, while we can concede that the resort to extraordinary measures may be justified in dealing with such an emergent situation as existed a few years ago, with the cessation of that emergency the necessity for the legislation also ceases to exist. The Legislature cannot be expected to arm the executive with uncontrolled power over the liberty of the citizens when the emergency that led to the bestowal of that power no longer exists. Now what is the situation in the country today? I shall quote the testimony of an astute observer of political events like Sir Stanley Reed. After a visit to this country Sir Stanley Reed says that the country is weary of the political struggle and is anxious to get along with a constructive effort in the sphere of politics. Is this an occasion to enact more repressive laws in the country? His Excellency the Viceroy in one of his addresses before this House had said that in course of time the protagonists of direct action would be caught in the current of constructive forces which advent of Reforms was releasing on all sides. His prophecy has been more than fulfilled. Is this then the occasion, I would ask the Home Member, to enact a measure like this? The Honourable the Home Member has discovered a new and additional reason, a reason that was not advanced before, for the enactment of this measure. He has told us very gravely that the communal situation was never more tense than it is today. I entirely differ from that view. With all respect due to the Honourable the Home Member I differ from his appreciation of the situation. I maintain, Sir, that the situation was never more favourable for communal settlement than it is today. With all the agitation over the Government of India Act over and with a growing desire on the part of the Congressman to understand and appreciate and accommodate the Muslim point of view, I think we are nearer a communal settlement today than at any time before. In fact, Sir, we were within an ace of getting a communal settlement in April as a result of Jinnah-Rajendra Prasad conversations. I am not unmindful of the situation that may develop over Shahidgunj affair, but I am assured that a peaceful settlement of this question is not beyond the bounds of practical politics. Communal bitterness, communal tension and communal riots were at their worst in the years 1921-22, 1924-25 and 1926-27: but in those years Government never thought it necessary to introduce any measure to deal with the communal situation and now that the situation is returning to normal, the Government now put forward, as a justification for the continuance of the measure, the existence of communal tension in the country. That argument, it seems to me, is the least convincing. It seems that the Government is anxious to keep their armoury well equipped not so much for present or immediate use as for any emergency that may arise in the future. As for the future, we are now on the threshold of a new era of constitutional reforms. However much the Government of India Act may fall short of our expectations, it cannot be denied that in the sphere of provincial administration, provincial autonomy marks a definite advance. If the parliamentary system of Government is to be given a fair trial in this country, it is essential that every school of political thought should be given complete freedom of organisation of unhampered propaganda to advocate their own policy and programme. Now, it is quite possible that such organisation and such propaganda may undermine the position of the party in power in a particular province, and in that case it would be to the interest

of that party in power to use all their influence to counteract those activities. I will give you an example. Supposing in Madras the Justice Party takes up the Ministry ; and suppose that the Congress Socialists under the leadership of my Honourable friend, Professor Ranga, carry on an agitation and propaganda, organising peasants and workers throughout the province, educating the electorate and denouncing by the way the bourgeois mentality and the bureaucratic policy and the capitalistic outlook of the Justice Ministry, if the Professor becomes too obnoxious there is a great temptation for the Justice Ministry to denounce the Peasants and Workers Organisation as a Communist organisation and put him into jail. My friend, Mr. Joshi, was telling me the other day that a member of the Bombay Corporation in his speech once said that he was surprised how Government could, every time, nominate a Communist like Mr. Joshi to the Legislative Assembly....

Sir Ghulam Hussain Hidayatallah (Sind Jagirdars and Zamindars : Landholders) . I may assure him that Mr. Joshi is not a Communist.

Mr. Abdul Matin Chaudhury : Just as the present Government use the power under this Act to defend and consolidate their own position, so it is quite likely that the future Ministers also will try and use the powers under this Act to crush their political adversaries, that is a contingency which we want to avoid. Once you depart from the principles by which the fundamental rights of the citizens are secured, there is no knowing where the mischief will end. It will pave the way for autocracy and despotism. Conscious of the power over the freedom and liberty of their own political adversaries, the party in power is sure to disregard and treat with contempt public opinion, and public criticism ; and this will be fatal for the growth of parliamentary institutions in this country. There is no reason to suppose that the future Councils that are coming into being with the inauguration of the reforms will not, in an emergency, rise equal to the occasion or refuse to grant the executive the power when they need it. The sense of irresponsibility, which is sometimes associated with the attitude of non-official Members towards Government measures, is not going to be a feature of the Councils that are coming into being with the inauguration of the Reforms. With the prospect of themselves assuming the reins of the Government in case of the downfall of a Ministry, the opposition will scrutinise every Government measure with a due sense of responsibility ; and in an emergency they are hardly likely to refuse sanction to a measure which they themselves may have to promulgate when they assume the reins of office. Under these circumstances, in view of the situation that exists today in the country and in view of the changes that are coming with the introduction of the Reforms, I think the enactment of this measure is entirely unjustifiable.

With regard to the section dealing with the press : in 1931, the Government were faced with the revival of terrorist activities in a very acute form ; and, as one of the measures to deal with that situation, they issued an Ordinance controlling the press : the main features of that Ordinance were, later on, put on the Statute-book. The ground on which they urged the enactment of that measure on the previous occasion was this : they said that an emergency had arisen because of the revival of the terrorist movement, and a section of the press by their eulogy of murders gave incentive and stimulus to that movement, and Government needed power to deal with them. In fact the Press Act was called the

[Mr. Abdul Matin Chaudhury.]

Press Emergency Act and it was made a temporary measure. Now, the temporary period is over and the Government want to enact it in permanent form. I am not going to argue whether the terrorists receive their inspiration from the newspaper writings or whether they receive their inspiration from standard books of English literature or from the incidents of English history or from the recent successes of the Irish Republican Party who by their methods of violence forced the Government to capitulate. My own impression is that the Chittagong Armoury raiders derived their inspiration more from the guerilla warfare of the Irish Republican Army than from any double column headline in the nationalist press. But for the sake of argument, I am prepared to concede that in the year 1931 circumstances justified the enactment of this measure, and that the knowledge that the Government had this weapon in their armoury tended to curb the excessive zeal of the leader writers in the nationalist press and that the Assembly in 1932 agreed to curtail the power of the press and took the risk of its possible abuse by the authorities because the authorities insisted that there was a great menace threatening the country and they needed the power to deal with it. Government gave us an assurance on that occasion that the powers would be very judiciously exercised. What is the situation today? That emergency no longer exists, and whatever the justification there might or might not have been for the enactment of this measure in 1931, today that justification no longer exists. Sir, the situation in the country at the present time is such that such a measure as this is entirely unnecessary. That is my view of the situation. If there is excitement anywhere, it is in the Home Department of the Government of India who are very busy forging weapons which are not necessary and manufacturing justifications which may appear plausible. Now, Sir, if, in 1931, a certain section of the press eulogised murder, I think even my friend, Sir Abdul Halim Ghuznavi, will admit that in recent months, the most characteristic feature of the writings in the Indian press has been an expression of loyalty to the Throne and eulogy of the Silver Jubilee....

Sir Abdul Halim Ghuznavi (Dacca *cum* Mymensingh · Muhamnadan Rural) : Which are those papers?

Mr. Abdul Matin Chaudhury : I think every section of the Indian press co-operated with authorities to make the Silver Jubilee a success. Even the Congress papers co-operated with the movement. . .

Sir Abdul Halim Ghuznavi . I did not get any co-operation in Calcutta.

Mr. Abdul Matin Chaudhury : Even well-known Congress newspapers went out of their way to publish Jubilee Supplements, and, I think, Congress newspapers like the *Hindustan Times* and the *Hindu* published Supplements....

Sir Abdul Halim Ghuznavi : But they were making money over it.

Mr. Abdul Matin Chaudhury : I am sure even the Government will admit that there has been a distinct improvement in the tone and the temper of the Indian press in regard to their attitude towards terrorism. The policy of condemning the deed and admiring the motive has given place to a policy of unreserved condemnation of terrorists and their

activities ; you cannot say that this change of attitude is not entirely due to the existence of the press, because, Sir, the most that the press Acts can do, is to prevent direct and indirect laudation of terrorist activities ; but it cannot extort whole-hearted condemnation unless the press is genuinely anxious to eradicate the evil ? It is perfectly clear from the writings in the Nationalist press that they are anxious to co-operate with the authorities to uproot the evil. And, in Bengal particularly, they are making sincere efforts to co-operate with the authorities to wean the terrorists back from pursuing their misguided activities

Sir, it is very often said that this Press Act is directed not against the well conducted and responsible papers, but it is directed against only those irresponsible extremist papers where writings have got a tendency to incite people to deeds of violence, and the well conducted papers, therefore, need have no fear whatever on account of the operation of this Act. Our past experience belies that assumption. Whenever the Press Act was before the House, Government was always assuring us that this Act would be directed only against those papers who incite people to deeds of violence. We are asked to believe in the infallible discretion of the District Magistrate ; we are asked to believe in the judicial fairness of the Local Government, but these assurances in most cases are more honoured in their breach than in observance. I will give the House one classical instance of the abuse of the Press Act by the authorities. The Press Act of 1910 was enacted to deal with those writings which directly or indirectly encouraged anarchical crimes. Now, Sir, against whom was this Act directed ? The most celebrated case under the Press Act of 1910 was the *Comrade* case, and why was the security demanded from the editor of the *Comrade* ? Honourable Members who are not aware of the history of that case will be surprised to hear that security was demanded from the *Comrade* for publishing an humanitarian appeal. During the Balkan War, in Bulgaria, the Macedonian bandits committed inhuman atrocities on Turkish population. Sir Adam Block, who was the Chairman of the Imperial Ottoman Bank at Constantinople, issued an appeal to all the civilized world, describing the atrocities. The appeal was called " come over to Macedonia and help us ". Mr. Mahomed Ali,—he was not Maulana in those days,—aristocratic and fashionable Mr Mohamed Ali, a familiar figure in the social circles of the bureaucracy—committed the atrocious crime of publishing that appeal in his paper, and, therefore, he was asked to furnish security. He then appealed to the High Court, and the Chief Justice, Sir Lawrence Jenkins, who paid the highest tribute to the editor, said that under the provisions of the Act no relief could be granted to the appellant. That is how the Press Act is being administered.

Now, Sir, I want to address my remarks to my Muhammadan friends of this Assembly. Muslims have kept away from terrorist activities. Mussalmans except in the frontier have kept away, as a community, from the Civil Disobedience Movement, and still, Sir, proportionately speaking, the Mussulman press has suffered most from the operation of this Press Act. We have got only a handful of Muslim newspapers : they can be counted on the fingers of one hand, and yet, Sir, within the last 5 years the Press Act has been in operation, 61 Muslim papers have ceased publication because of the operation of the Press Act. (Cheers from the Congress Party Benches) Can the Honourable the Home Member tell me whether during the same period of 5 years another 61 journals have

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been started and are still on circulation ? My point is this that more Muslim papers have succumbed to this Press Act than have survived it. This Press Act has strangled the Muslim press in the past, and it will continue to strangle it in the future. And I would ask my Muslim friends here--are they going to be a party to the passing of a measure that will cripple the growth of the Muslim press in this country ? I would leave them to answer that question. For every Muslim press that goes out of existence, because of the operation of this Act, the responsibility will be on the head of those Muslim Members who by their vote will support the passing of this measure. (Cheers from the Congress Party Benches.)

The Assembly then adjourned till Eleven of the Clock on Thursday, the 12th September, 1935.

LEGISLATIVE ASSEMBLY.

Thursday, 12th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock,
Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

INDIANISATION OF THE POSTS OF CHAIRMEN OF THE PORT TRUSTS IN INDIA.

288. ***Mr. S. Satyamurti** : Will Government be pleased to state :

(a) whether their attention has been drawn to the fact that not one of the seven Chairmen of the Port Trusts in India is an Indian ;

(b) whether they propose to take any steps to redress this racial inequality ; and

(c) if not, why not ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) and (c). The Honourable Member's attention is invited to the reply given to part (b) of his question No. 731 on the 8th March, 1935, and to the supplementary questions and answers thereto where the whole matter is discussed in great detail.

Mr. S. Satyamurti : May I know why the Government of India are against any Statutory provision for increasing the number of Indians on these Port Trusts, with a view to getting at least a few Indians elected as Chairmen of some of these Port Trusts ?

The Honourable Sir Muhammad Zafrullah Khan : I believe that, in the supplementaries to the previous question, the Honourable the Finance Member has given an answer to that.

Mr. S. Satyamurti : I was told that that might raise racial considerations. I asked the question then, but I did not get an answer. I ask now the Honourable the Commerce Member with more hope, what is the racial consideration involved in reserving chairmanships of Indian Port Trusts to Indians ? Why do the Government think that, in India, Indians should not be protected as against other races ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member says that he put that question to the Honourable the Finance Member, and I have no doubt that he received a reply when he put that question.

Mr. S. Satyamurti : I did not, and, therefore, I am asking the Honourable the Commerce Member who is now replying, he himself being an Indian. I ask why he thinks or the Government think that

reserving membership or chairmanship to Indians on Indian Port Trusts is a racial matter.

The Honourable Sir Muhammad Zafrullah Khan : It is immaterial whether the question is put to a European Member or an Indian Member of Government. The position of Government with regard to these Port Trusts is that, as the Indianisation of Services continues, there will be a larger and larger number of Indians on the Port Trusts, and Government do not think it is either feasible or desirable to introduce legislation to reserve a certain proportion of membership to Indians as such.

Mr. S. Satyamurti : What are the reasons why Government do not think it desirable that Indianisation should proceed much more rapidly in this branch of public administration, than it does today ?

The Honourable Sir Muhammad Zafrullah Khan : If Government take the action suggested, it would amount to disqualification of a particular race, and that is the racial consideration involved.

Mr. S. Satyamurti : Why should Europeans not be disqualified in this country ? This is Indians' country, and not Europeans' country.

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

Mr. S. Satyamurti : One more supplementary question, Sir. May I know why, in Chittagong uniformly, the Agent of the Assam Bengal Railway is made a member and Chairman again and again of the Port Trust there ?

The Honourable Sir Muhammad Zafrullah Khan : I do not know that any special answer is necessary. Agents of Railways are often members of Port Trusts, and, if an Agent is appointed Chairman, I do not think there is any extraordinary reason behind it.

Mr. S. Satyamurti : Have Government considered the inconvenience caused to Indian merchants, exporters and importers, by the continuous presence of a European as Chairman ?

The Honourable Sir Muhammad Zafrullah Khan : In Chittagong, a European has not been continuously Chairman of the Port Trust.

Mr. President (The Honourable Sir Abdur Rahim) : Next question, No. 289.

CONSTITUTION OF A PERMANENT TARIFF BOARD.

289. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have come to any decision on the question of constituting a permanent Tariff Board ;
- (b) whether they have considered the evil effects of appointing *ad hoc* Tariff Boards from time to time ; and
- (c) when they propose to come to a decision on this question ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Government are still of opinion that it is unnecessary to constitute a permanent Tariff Board.

(b) Government do not admit that evil effects result from the appointment of *ad hoc* Tariff Boards.

(c) Does not arise.

Mr. S. Satyamurti : May I know why Government have not yet come to a conclusion in favour of a permanent Tariff Board, especially in view of the fact that it is a judicial or at least a quasi-judicial body ?

The Honourable Sir Muhammad Zafrullah Khan : Government do not consider that that is any reason for constituting a permanent Tariff Board.

Mr. S. Satyamurti : With regard to the answer to part (b) of the question, have Government considered in their recent appointment of the *ad hoc* Tariff Board for textile duties, that they have appointed two gentlemen, one of whom is a representative of British commerce, and the other, a violent supporter of the Mody-Lees and Ottawa Pacts ?

The Honourable Sir Muhammad Zafrullah Khan : If the reference is to Sir Alexander Murray, he is not a representative of British commerce. He was, I believe, connected for a long time with a firm that carried on business in jute in Bengal.

Mr. S. Satyamurti : For whom ?

The Honourable Sir Muhammad Zafrullah Khan : For that firm.

Mr. S. Satyamurti : For Britain.

The Honourable Sir Muhammad Zafrullah Khan : In the interests both of that firm and of India. And he has been Chairman of the Associated Chambers of India and Ceylon. He has been a member of the Bengal Legislative Council. He has been a Member of the late Imperial Legislative Council, he has been a Member of the Council of State, he has been a Member of this House, he has been a member of three Royal Commissions. He has twice represented India in International Labour Conventions at Washington and Geneva. With regard to the other gentleman, whether the reference is to Diwan Bahadur A. Ramaswami Mudaliar, or to Mr. Fazal Ibrahim Rahimtoola, I do not think that the allegation that they are violent supporters, either of one pact or the other, is justified.

Mr. S. Satyamurti : I am overwhelmed, but may I ask whether, apart from being violent, Diwan Bahadur Ramaswami Mudaliar is not a supporter of British preference, that is to say, of both the Mody-Lees Pact and the Ottawa Pact, and what are the reasons why Government appointed him to this Committee, considering that it has got to make very important recommendations on this particular matter ?

The Honourable Sir Muhammad Zafrullah Khan : Government appointed Diwan Bahadur Ramaswami Mudaliar, because they thought that he was an excellent choice for this Committee.

Mr. S. Satyamurti : I have no doubt about that, that suits them ; but I am asking only one more question. Have Government considered that appointing gentlemen to *ad hoc* Tariff Boards creates in them a feeling that they will not be there for ever, and, therefore, they find themselves in a more difficult position than they would be, if they were permanently appointed ?

The Honourable Sir Muhammad Zafrullah Khan : No, I do not agree.

Mr. S. Satyamurti : May I know whether the Government propose to come to a decision on this question, namely, of having a permanent Tariff Board, and, if so, when? Part (c) of the question.

The Honourable Sir Muhammad Zafrullah Khan : The answer to the first part of the question which I read out was that Government are still of opinion that it is unnecessary to constitute a permanent Tariff Board. The next question is, when will your intentions change, when will your opinion change. I am unable to say whether it will change, and, if it does, when.

Prof N. G. Ranga : In view of the fact that, in the interests of the consumers, protection should be granted only for so long and for such industries as there is a necessity, will Government consider the advisability of establishing a permanent Tariff Board to make enquiries from time to time to see whether the industries which are given protection are properly run and efficiently managed and that the protection is given only for the time being?

The Honourable Sir Muhammad Zafrullah Khan : I have heard the Honourable Member, but I am quite unable to follow the question.

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

†290.*

Mr. S. Satyamurti : I do not put question No. 290. That has been already answered. I put No. 291.

NEW TYPE OF AEROPLANE FOR OPERATION IN INDIA.

291. ***Mr. S Satyamurti :** Will Government be pleased to state .

- (a) whether it is a fact that a new type of aeroplane for operation in India and the middle East is at present undergoing trials before experts of the Air ministry in London ;
- (b) whether it is intended to use them for North-West Frontier work ; and
- (c) whether Government propose to continue the work of bombing the villages, and if so, why ?

Mr. G. R. F. Tottenham : (a) and (b). The answer is in the negative.

(c) The position of the Government of India has always been that they are prepared to subscribe to any general international convention regarding the abolition of military aircraft, but that in the absence of such a convention they are not prepared to deprive themselves unilaterally of the use of a weapon which, in certain circumstances and subject to the restrictions and safeguards that are invariably imposed on its employment, has proved itself an effective and economical adjunct to the preservation of the peace of the Frontier

Mr. S. Satyamurti : Is it or is it not a fact that International Conferences have been asking for the abolition of bombing from the air on

†Not put by the questioner.

the civilian population, and that the Government of Great Britain opposed that International Convention ?

Mr. G. R. F. Tottenham : No. That is not a fact.

Mr. S. Satyamurti : Were the Government of India consulted about the abolition of bombing from the air on civilian population ?

Mr. G. R. F. Tottenham : With reference to the Disarmament Conference ? Yes, their views were asked for.

Mr. S. Satyamurti : What were the views of the Government of India ?

Mr. G. R. F. Tottenham : I have just stated them.

Mr. S. Satyamurti : May I take it that the Government of India are against the abolition of bombing from air on the civil population ?

Mr. G. R. F. Tottenham : The Government of India were prepared, as I said, to subscribe to any general convention for the abolition of military aircraft, but they were not prepared in advance of any such general agreement to deprive themselves of a particular weapon which, under certain circumstances, can be and is of great value.

Mr. S. Satyamurti : May I take it that the position of the Government of India is this—that, unless all military aircraft is abolished altogether, they will not give up bombing from air on the civil population ?

Mr. G. R. F. Tottenham : I have explained as clearly as I can what the policy of the Government is, but I must object to the statement that the policy of the Government is, or ever has been, to bomb the civil population. We have never done that.

Mr. S. Satyamurti : May I know whether they are willing to abolish unilaterally, if I may put that question to Mr. Tottenham, bombing from air on the civil population ?

Mr. G. R. F. Tottenham : We have never bombed the civil population.

Pandit Krishna Kant Malaviya : Did the Government of India raise their voice when Great Britain wanted exception in favour of the North-West Frontier, Iraq and other places ?

Mr. G. R. F. Tottenham : The Government of India agreed with His Majesty's Government that it would be legitimate to make this reservation regarding police bombing in their own areas. They agreed to the establishment of the convention prohibiting bombing as an international weapon, but accepted the reservation of retaining the power of air bombing for police purposes in their own areas. That was at a certain stage in the Disarmament Conference

PREVENTION OF CONGRESSMEN FROM VISITING QUETTA.

292. ***Mr. S. Satyamurti :** Will Government be pleased to state whether their policy of preventing Congressmen from visiting Quetta had any political considerations behind it ?

The Honourable Sir Henry Craik : The answer is in the negative.

SAFEGUARDING OF THE INTERESTS OF INDIAN IN ZANZIBAR.

293. *Mr. Mohan Lal Saksena : (a) Have Government made any representation to His Majesty's Government with a view to safeguarding the interests of Indians in Zanzibar as recommended by Mr. K. P. S. Menon in his report ?

(b) If so, what has been the result of the representation ?

Sir Girja Shankar Bajpai : (a) and (b) The attention of the Honourable Member is invited to the reply given by me on the 4th September, 1935, to Mr. S. Satyamurti's question No. 118.

IMPOSITION OF A PROHIBITIVE IMPORT DUTY ON ZANZIBAR CLOVES.

294. *Mr. Mohan Lal Saksena : Is it a fact that the Indians in Zanzibar have asked Government to impose prohibitive import duty on Zanzibar cloves ? If so, have Government considered the advisability of legislating accordingly ?

Sir Girja Shankar Bajpai : The answer to the first part of the question is in the affirmative. As regards the second part, the attention of the Honourable Member is invited to the reply given by me on the 5th September, 1935, to part (c) of Mr. S. Satyamurti's question No. 144.

Mr Mohan Lal Saksena : Are Government aware that Indians in Zanzibar passed a Resolution urging upon the Government of India to take immediate action including imposition of prohibitive duty on cloves ?

Sir Girja Shankar Bajpai : Government have received a copy of that Resolution.

Mr Mohan Lal Saksena : What action have the Government of India taken ?

Sir Girja Shankar Bajpai : I explained that in my reply to Mr. Satyamurti the other day.

TREATY OF COMMERCE AND NAVIGATION BETWEEN GREAT BRITAIN AND ZANZIBAR.

295. *Mr. Mohan Lal Saksena : (a) Is it a fact that a treaty of friendship, commerce and navigation exists between Great Britain and Zanzibar ?

(b) If so, will Government state whether they have considered if the provisions of Clove Growers' Association and clove importers' decrees are in contravention of the provisions of the aforesaid treaty and further whether the provisions of other decrees in question are in consistence with its provisions ?

Sir Girja Shankar Bajpai : (a) The attention of the Honourable Member is invited to the statement laid on the table of the House with reference to the reply given to starred question No. 1322 asked by Mr. S. Satyamurti on the 2nd April, 1935.

(b) In view of the fact that the treaty referred to by the Honourable Member is no longer in force, this question does not arise.

DISSATISFACTION AMONG INDIANS IN FIJI DUE TO THE PROPOSED CHANGE IN THE SYSTEM OF REPRESENTATION IN MUNICIPALITIES AND THE LEGISLATIVE COUNCIL.

296 ***Mr. Mohan Lal Saksena** : (a) Is it a fact that steps are being taken by the Government in Fiji to replace the present system of representation in municipalities and the Legislative Council in Fiji by the system of nomination ?

(b) Are Government aware that the proposed change has caused great dissatisfaction among Indians in Fiji ?

(c) If so, what steps, if any, do Government propose to take to stop the proposed change in the system of representation ?

(d) Did the Colonies Committees, appointed by the Government of India, submit to the Colonial Office any memoranda on the position of Indians in Fiji ?

(e) If so, will Government be pleased to state what recommendations, if any, it made regarding municipal franchise ?

(f) Did the Colonial Office take any action on them ? If so, what ?

(g) Is the proposed change in the system of representation in conformity with the above mentioned recommendations ?

(h) Are Government prepared to consider the advisability of sending, at an early date, a mission of enquiry to Fiji to study the situation on the spot and to report on the problems now confronting Indians in that colony ?

(i) Is it a fact that Indians in Fiji have asked for such an enquiry ?

Sir Girja Shankar Bajpai : (a) to (c). I would refer the Honourable Member to the reply given by me on the 5th September, 1935, to Mr. Avinashilingam Chettiar's question No. 149.

(d) to (g). With regard to municipal councils, the facts are these. There are two Municipal Councils in Fiji of whom only one, *viz*, Suva, is of importance to Indians. Under the Municipal Institutions Ordinance of 1909, this Council was composed of members elected on a common electoral roll, but as the franchise was restricted to persons who could read, write and speak the English language, and the town of Suva was one single constituency, no Indian was ever elected to this council. The Colonies Committee referred to by the Honourable Member suggested that in order to ensure Indian representation on the Municipal Council of Suva, the principal Indian vernaculars should be recognised as qualifying a person to vote, on the same footing as English, and the town should be divided into wards. This recommendation, though supported by the Government of India, was not accepted by the Colonial Office. The choice thus lay between no representation of Indians and representation in equal strength with the other communities, on a basis of nomination for all. The Government of India saw no objection to this arrangement, provided that this could be secured without prejudice to its subsequent revision, should circumstances make this possible, on the basis of a common electoral roll and recognition of Indian vernaculars as qualifying tests for the municipal franchise on the same terms as English. They have acquiesced in the change from

the old system, which left the Indian unrepresented, to the present which gives him equal representation with Europeans and Fijians on a nominated Municipal Council, on this understanding.

(h) The matter is under consideration.

(i) The Indian Association of Fiji have asked for an enquiry.

Mr Mohan Lal Saksena : When does the next election to the Legislative Council take place ?

Sir Girja Shankar Bajpai : The term of the Legislative Council has been extended by a period not exceeding one year in order to enable the different interests concerned to be consulted on this question of nomination *versus* election.

Mr. Mohan Lal Saksena : Are the Government of India sending a representation on behalf of Indians in Fiji to the Colonial Office ?

Sir Girja Shankar Bajpai : In reply to a question by Mr. Satyamurti the other day, I stated that the Government of India would be sending their representation to the Colonial Office after consulting the Standing Emigration Committee of the Legislature.

REPRESENTATION FROM CERTAIN DRIVERS OF THE MORADABAD DIVISION, EAST INDIAN RAILWAY.

297. ***Mr. Mohan Lal Saksena :** (a) Will Government be pleased to state if the Railway Board have received any representation from Abdul Shakoor and other drivers working in the Moradabad Sub-division of the East Indian Railway ? If so, what action have Government taken on it ?

(b) Is it a fact that in 1931 when they were made to accept reduced pay as a measure of economy, they were given an assurance that, on the improvement of financial position, they would be given the pay to which they would have been entitled in case they were drawing their original pay ?

(c) If so, why has their pay not been restored in accordance with the aforesaid assurance ?

Mr. P. R. Rau : The attention of the Honourable Member is invited to the information laid on the table of the House on the 2nd September, 1935, in reply to his starred question No 395 asked on the 21st February, 1935.

APPOINTMENT OF A COMMITTEE BY THE CONGRESS PARTY IN THE ASSEMBLY TO ENQUIRE INTO AND REPORT UPON THE ADMINISTRATION OF REPRESSIVE LAWS IN BENGAL.

298. ***Mr. Mohan Lal Saksena :** (a) Are Government aware of the appointment of a Committee by the Congress Party in this House to enquire into and report upon the administration of repressive laws in Bengal ?

(b) Is it a fact that the Government of India, in consultation with the Bengal Government, have issued a circular to the effect that the correspondence of the members of the Committee be specially censored and that the report of the Committee should not be allowed to be published ?

(c) If so, will Government be pleased to lay on the table a copy of the aforesaid circular ?

(d) Will Government be pleased to state the reasons for issuing such a circular ?

The Honourable Sir Henry Craik : (a) Yes

(b), (c) and (d). If such a circular had been issued, it would necessarily have been of a confidential nature and an answer to these parts of the Honourable Member's question would, therefore, amount to giving publicity to the existence and contents of a confidential document, which would be contrary to the public interest

Prof. N. G. Ranga : Was such a circular issued at all ?

The Honourable Sir Henry Craik : I say that if such a circular had been issued, it would necessarily be of a confidential nature, and it would be contrary to the public interest to give publicity either to the existence or the contents of a confidential document

Mr. Mohan Lal Saksena : Are Government aware of the United Press message of the 30th May, reporting that such a circular had been issued and which runs as follows :

“ The United Press reliably understands that the Government of India after consultation with Provincial Governments especially the Government of Bengal, have finally decided to put a ban on the Report of the Committee appointed by the Assembly Congress Party to investigate and report on the question of repression in Bengal. The Government views this move on the part of the Congress with disfavour and allege that the Committee is collecting deliberately one-sided information which is calculated to bring the Government of India into contempt not only in this country but in the eyes of the nations of the world. It is understood that strict censorship has been advised to be kept on the correspondence between members of the Committee and immediately the report is ready to forfeit it under the Press Act.”

Is it a fact that a circular has been issued on these lines ?

The Honourable Sir Henry Craik : I have already said that I cannot answer that.

Mr. Mohan Lal Saksena : Is the Honourable Member aware that my correspondence is being strictly censored ?

The Honourable Sir Henry Craik : No, Sir.

Mr. Mohan Lal Saksena : Will the Honourable Member believe me when I say that letters addressed by two Honourable Members of this Assembly were despatched to me, but they have not been delivered to me ?

The Honourable Sir Henry Craik : I have no knowledge about that.

Pandit Krishna Kant Malaviya : Will the Honourable Member kindly make inquiries and find out ?

The Honourable Sir Henry Craik : No, Sir

Pandit Krishna Kant Malaviya : Why not ?

Mr. President (The Honourable Sir Abdur Rahim) . Next question.

PUBLICITY GIVEN TO THE PART-DELIVERED SPEECH OF THE LAW MEMBER
ON MR. B. DAS'S INDIAN CRIMINAL LAW AMENDMENT (REPEAL) BILL.

299. ***Mr. Mohan Lal Saksena** : (a) Is it a fact that the part-delivered speech of the Law Member in connection with Mr. B. Das's Bill to repeal Criminal Law Amendment Act was sent to various Local Governments with instructions that it may be translated and distributed among the public ?

(b) Is it a fact that special efforts were made to give publicity to that speech ?

The Honourable Sir Henry Craik : (a) and (b). Government considered that the speech contained information of great importance which was not generally known to the public and that it merited wider circulation than it would obtain through the Press and for these reasons they arranged for copies of the speech to be widely distributed.

Prof. N. G. Ranga : Why is it that Mr. Das's speech was not also circularised simultaneously, so that the public might be able to get an impartial idea of that debate ?

The Honourable Sir Henry Craik : That was for Mr. Das to do.

Mr. S Satyamurti : Is this the first time that speeches delivered by Honourable Members of the Government are specially circularised to various Local Governments, with a view to giving them instructions to give them further publicity ?

The Honourable Sir Henry Craik : It has been done frequently.

Mr. Mohan Lal Saksena : What was the hurry about it ? What was the hurry about circulating the speech before it was actually completed ?

The Honourable Sir Henry Craik : The hurry was this that, obviously, the speech could not be completed before a period of at least six months.

Mr. S Satyamurti : Do Government consider it fair to circulate a one-sided speech, without giving the Opposition an opportunity of meeting those one-sided facts ? They may be false facts. Without, at the same time, affording an opportunity to the Opposition to contradict those statements of so-called fact, is it fair on the part of the Government to circulate only a one-sided speech ?

Mr. President (The Honourable Sir Abdur Rahim) : That is a matter of opinion. Next question.

UNEMPLOYMENT PROBLEM.

300. ***Mr. Mohan Lal Saksena** : (a) Are Government aware that lately there have been reports in the press of suicides by individuals and whole families on account of unemployment ?

(b) Have Government taken any steps to tackle the problem of unemployment in the centrally-administered areas ?

(c) Have Government got any information regarding the extent of unemployment prevailing amongst the educated classes of the centrally-

administered areas? If not, are Government prepared to make necessary arrangements for collecting statistics in this connection?

(d) Do Government also propose to consider the advisability of appointing an enquiry committee?

The Honourable Mr. D. G. Mitchell : (a) I have seen one or two reports of individual suicides attributed to unemployment: I am not aware of cases of suicide by whole families.

(b) Yes.

(c) I would refer to the answer I have already given to Mr. Asaf Ali's starred question No. 265.

(d) Government do not propose to appoint a committee to deal with the centrally-administered areas

Prof. N. G. Ranga : Will Government please consider the advisability of establishing some labour exchanges and employment bureaus in centrally-administered areas?

The Honourable Mr. D. G. Mitchell : There is no such proposal.

Mr. Mohan Lal Saksena : Did Government take any steps to verify the reports published in the papers?

The Honourable Mr. D. G. Mitchell : No, Sir.

Mr. M. Ananthasayanam Ayyangar : In reply to clause (c) of the question, I gather, the answer was that no steps are being taken by the Government of India to organise unemployment relief and that no statistics have been gathered till now. If the Government propose at some future date to adopt or undertake such relief measures, is it not necessary for them to know what exactly is the number of people unemployed?

The Honourable Mr. D. G. Mitchell : It is no doubt most desirable to have that information if the information could be compiled in a form in which one could place any reliance, but the difficulty is that to compile statistics of unemployment is a practically impossible task.

Mr. M. Ananthasayanam Ayyangar : Are not similar statistics collected in America and England? Does not the Honourable Member know that there are ten millions of unemployed people in America?

The Honourable Mr. D. G. Mitchell : "Unemployment" is a negative thing, and it is very difficult to establish a negative. The figures referred to, which are obtained in other countries, do not relate to negative things. They are called "statistics of unemployment", but they are, as a matter of fact, statistics of positive things, that is, of persons who are in receipt of relief of various kinds.

Mr. M. Ananthasayanam Ayyangar : How is relief given before it is known how many there are who are unemployed?

The Honourable Mr. D. G. Mitchell : These forms of relief were started in England, for instance, by the trades unions themselves and have been gradually expanded.

Mr. M. Ananthasayanam Ayyangar : Were there no statistics of unemployment before relief measures were started in England?

The Honourable Mr. D. G. Mitchell : The trades unions themselves provided them. Again, they were figures of positive things ; they were figures of members on the trade union registers who were out of job.

Mr. M. Ananthasayanam Ayyangar : Are not women also in England getting relief by way of maternity relief ?

The Honourable Mr. D. G. Mitchell : Sir, I fail to understand the Honourable Member's question. If there are figures of women in England in receipt of maternity relief, again they are positive things and could be easily counted.

Mr. M. Ananthasayanam Ayyangar : Sir...

Mr. President (The Honourable Sir Abdur Rahim) : The question has been sufficiently answered. The position is quite clear now. Next question.

SECRETARY OF STATE'S CONCEPTION OF POLITICAL OFFENDERS OF THE CIVIL DISOBEDIENCE CLASS AND BOMB-THROWERS.

301 ***Mr. M. Asaf Ali :** (a) Has Government's attention been drawn to a statement, which the Secretary of State is reported to have made in the House of Lords with reference to an amendment of Lord Faringdon to clause 26 of the Government of India Bill (disqualification of offenders) in which the Secretary of State opined that there was no difference between one who participated in civil disobedience and a person who threw a bomb at a Viceroy ?

(b) Are Government aware of the difference between the two classes of offenders described above ?

(c) If so, have they taken any step to rectify the Secretary of State's conception of political offenders of the civil disobedience class and bomb-throwers ?

The Honourable Sir Henry Craik : (a) Yes. I will read an extract from the official report of the Secretary of State's speech :

" One of the difficulties in meeting the request of noble Lords opposite is due to the fact that in India there is no distinction between a political and a criminal offence. It is very often difficult to discriminate between a criminal and a political offence in any country, and certainly in Indian law no distinction is made. I am rather wondering whether my noble friends opposite would suggest that the Indian gentleman who bombed my noble friend here (Lord Halifax) was guilty of a criminal offence or a political offence. I think it would be found difficult to decide whether it was a criminal offence or a political offence."

The observations do not appear to me to justify the construction put on them by the Honourable Member.

(b) and (c). Do not arise.

DECREASE IN THE INDIAN EXPORTS TO CERTAIN COUNTRIES.

302. ***Mr. M. Asaf Ali :** (a) Is it a fact that Indian exports to France, Germany, Italy and Japan have fallen during the last two years ?

(b) Will Government be pleased to furnish comparative figures for the last five years including 1935, to show the percentage of decrease ?

(c) Can Government explain the causes of this decrease and say how far it is due to the operation of the Ottawa Agreement ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The Honourable Member is referred to Volume II of the Annual Statement of the Sea-borne Trade of British India for the year ending 31st March, 1934, and Monthly Accounts relating to the Sea-borne Trade and Navigation of British India for March, 1935, copies of which are available in the Library of the House.

(c) The decrease in Indian exports to certain countries is due partly to the continued depression in world trade and partly to the adoption of restrictive measures by these countries for the purpose of safeguarding their industrial and monetary interests.

Mr. M. Ananthasayanam Ayyangar : When were the first restrictions imposed on the imports of goods into Japan and other countries ?

The Honourable Sir Muhammad Zafrullah Khan : I am not aware of the date

Mr M Ananthasayanam Ayyangar : Was it not after 1932—the date of the conclusion of the Ottawa Pact ?

The Honourable Sir Muhammad Zafrullah Khan : I am unable to say.

Prof. N. G. Ranga : Is it not a fact that the exports of groundnut to Italy and Germany have considerably fallen during the last few years ?

The Honourable Sir Muhammad Zafrullah Khan : I cannot say.

LEASE OF LAND BETWEEN DELHI AND SHAHDARA TO MR. WAUGH.

303. **Mr M. Asaf Ali :** (a) How many acres of land between Delhi and Shahdara, and on what terms, have the Delhi Government leased to Mr. Waugh ?

(b) How much of this land has been actually under cultivation, and for how long ?

Sir Girja Shankar Bajpai : (a) 718 33 acres in Shahdara were leased to Mr Waugh for a period of 25 years from the 1st April, 1923. The lessee was given the option of acquiring proprietary rights at any time during the currency of the lease, at a price to be determined at the time of purchase. He was to pay land revenue at Re 1 per acre for the first two years, Rs. 2 per acre for the next three and after that at current rates. A *malikana* at half the revenue rate was also to be paid

(b) In 1934, 268 acres were actually under cultivation. The whole area was previously lying waste, and this portion of it was broken up and brought under cultivation between 1923 and 1934.

Mr. M. Asaf Ali : Will the Honourable Member kindly tell me whether he has any knowledge of the number of cultivators who had been dispossessed before 1923 on account of the acquisition of land in connection with New Delhi ?

Sir Girja Shankar Bajpai : I do not think that this has anything to do with the acquisition of land for New Delhi. As regards this parti-

cular area, as I have already informed the Honourable Member, my information is that at the time when it was leased it was lying waste, so no cultivators could have been dispossessed.

Prof. N. G. Ranga : May I ask, Sir, if Government have considered the suggestion of granting this land to a co-operative society of peasants so that they might be able to utilise it better than the individual who is using it only for himself ?

Sir Girja Shankar Bajpai : Sir, seeing that the lease to this particular individual was given eleven years ago, and I also gather that it was actually sold in October, 1934, it is not possible for Government, at any rate, to give it to a co-operative society.

CULTIVATORS AFFECTED BY ACQUISITION OF LAND FOR THE PUSA INSTITUTE
IN DELHI.

304. ***Mr. M. Asaf Ali :** (a) How many cultivators of the Delhi Province are likely to be affected by acquisition of land for the Pusa Institute ?

(b) How do Government propose to provide such persons with cultivable land elsewhere ?

Sir Girja Shankar Bajpai : (a) and (b). Steps have been taken to acquire 474 acres of land. This area constitutes about a third of the total held by the 250 cultivators affected. The cultivators, portions of whose holdings have been acquired, were told that, if they wished, recommendation would be made to the Punjab Government to provide them with land in the neighbouring districts of the Punjab where Government lands are available but so far they have not made any application.

Prof. N. G. Ranga : Is there any culturable land at all in that neighbourhood which could possibly be granted to these people ?

Sir Girja Shankar Bajpai : I can assure my Honourable friend that if culturable land in the neighbourhood in the possession of Government were available, assistance would have been given to these people to make use of it.

Prof. N. G. Ranga : Could it not have been possible for Government to have thought of establishing this Institute a little farther off, so that these people might not have been dispossessed of their houses ?

Sir Girja Shankar Bajpai : Unless this Institute had been established on waste land, somebody or other was sure to have been dispossessed.

Mr. M. Asaf Ali : Can these cultivators be accommodated by Mr. Waugh, because he possesses 718 acres of land ?

Sir Girja Shankar Bajpai : The geographical position rather is that this land is taken on this side of Jumna whereas the other land is across the Jumna, and I hardly think that these people would care to go across the Jumna in order to cultivate the land there.

Mr. M. Asaf Ali : They have already been dispossessed of their land which has been acquired by Government and so they will be prepared to go anywhere to cultivate land and certainly across the Jumna which is only a question of about two miles.

Sir Girja Shankar Bajpai : Sir, I think my Honourable friend did not quite follow what I said. I said that it is only one-third of the land belonging to these cultivators that has been acquired. In other words, there has hardly been a single case of complete dispossession. What has happened is that a small plot of land has been taken from the total holding.

RELIEVING OF CONGESTION IN OLD DELHI.

305. ***Mr. M. Asaf Ali :** (a) Have Government taken any steps to make *nazul* land in the Delhi Province referred to in my question No. 151 of the last session, available for relieving congestion in Old Delhi ?

(b) Have Government invited the attention of the Delhi Municipal Committee to my questions Nos. 100 and 101 (c) to (g) and their answers ? If so, when, and if not, why not ?

Sir Girja Shankar Bajpai : With your permission, Sir, I shall answer parts (a) and (b) together. The Government of India have decided to place an officer on special duty at Delhi to ascertain, with greater definiteness than has been attempted so far, (i) the nature and magnitude of the problem of congestion, (ii) the extent to which the measures already undertaken or now in progress provide a solution, (iii) the manner in and the extent to which these processes need to be supplemented, (iv) the agency to which the supplemental measures should be entrusted, and (v) the expenditure involved and the best way of providing it. As soon as the report of the investigating officer becomes available, Government will examine it and take up the question as to what action is desirable and practicable.

Mr. M. Asaf Ali : May I know if the officer appointed is also an expert in matters which have been entrusted to him ?

Sir Girja Shankar Bajpai : It has not been possible to find an officer who was expert in town-planning, and, at the same time, expert in the local conditions of Delhi, but I can assure my Honourable friend that, in the process of investigation, if he needs expert assistance of a technical character, that assistance will be forthcoming.

REPORT CALLED FOR BY THE COMMISSIONER OF INCOME-TAX, BIHAR AND ORISSA, IN APPEAL CASES.

306. ***Mr. Ram Narayan Singh :** Will Government be pleased to state if it is a fact that the Commissioner of Income-tax, Bihar and Orissa, calls for a report from subordinate authorities invariably in each case in which an appeal is filed to him ? If so, is that report of a confidential nature, and is the assessee entitled to a copy of such report ?

Mr. A. H. Lloyd : The Commissioner of Income-tax calls for reports from Income-tax Officers on the allegations made in the petitions of appeal under section 32 as well as on those in petitions under section 33, whenever there is any point raised which has not been properly or fully dealt with in the orders of the lower authorities. No report is called for where such report is not necessary.

In the ordinary course the reports of Income-tax Officers are treated as confidential. But very often the Commissioner of Income-tax, Bihar and Orissa, has given the assessee a copy of the report if

asked for by the assessee when the report does not contain any confidential matter. It is often necessary to inform the assessee of the substance of the Income-tax Officer's report in order to enable the Commissioner to decide the assessee's objection.

REGULATION OF INCOME-TAX ASSESSMENT IN BIHAR AND ORISSA.

307. ***Mr. Ram Narayan Singh** : (a) Is it a fact that there is a practice prevalent in Bihar and Orissa of regulating income-tax assessments by means of confidential circulars and instructions issued by the Commissioner ?

(b) Is it a fact that a complaint of such a nature was made on behalf of the Maharajadhiraja of Darbhanga in the civil suit instituted against the Commissioner and Assistant Commissioner of Income-tax, Bihar and Orissa ?

Mr. A. H. Lloyd : (a) The answer is in the negative. The Income-tax Officers sometimes consult the Commissioner on points of law arising in the course of assessments and receive instructions asked for.

(b) It does not appear from the records that such a complaint was made in the civil suit instituted by the Maharajadhiraja of Darbhanga.

Mr. Ram Narayan Singh : Is it not a fact that the Maharajadhiraja of Darbhanga brought a civil suit against the Commissioner and Assistant Commissioner of Income-tax and that the suit was hushed up simply because the Commissioner was personally criminally involved in it ?

Mr. A. H. Lloyd : The answer to the first part of the question is in the affirmative, and the answer to the second part is in the negative.

Mr. T. S. Avinashilingam Chettiar : What happened to the civil suit ?

Mr. A. H. Lloyd : If the Honourable Member will put down a question, I will give an exact answer.

ABSENCE OF WAITING ACCOMMODATION FOR ASSESSEES IN INCOME-TAX OFFICES IN BIHAR AND ORISSA.

308. ***Mr. Ram Narayan Singh** : Are Government aware that in most of the Income-tax offices in Bihar and Orissa there is no proper accommodation for the waiting assesseees ? If so, do Government propose to do anything for their comfort ?

Mr. A. H. Lloyd : Steps are being taken to provide better accommodation for assesseees. In several Income-tax Offices an extra room is already set apart for them.

GRIEVANCES OF THE INCOME-TAX STAFF IN BIHAR AND ORISSA.

309. ***Mr. Ram Narayan Singh** : (a) Has the attention of Government been drawn to the articles published in the *Indian Nation*, Patna, dated the 12th and 24th June, 1935, under the caption "The grievances

of the Income tax staff" ? If so, what action, if any, have they taken or propose to take to remove those grievances ?

(b) Are Government aware that there is great discontent among the Income-tax staff, Bihar and Orissa, against the unreasonably harsh and insulting treatment which is constantly meted out to them by the Commissioner of Income-tax ?

(c) Is it a fact that the Commissioner of Income-tax, Bihar and Orissa, uses unparliamentary and insulting language towards his subordinates in official letters and documents ?

(d) Are Government aware that an impression is abroad that the concurrence of the Commissioner of Income-tax, Bihar and Orissa, to the proposals of his office in the essential matters of promotion, postings and transfers of the staff is a mere formality ?

(e) Is it a fact that complaints of such nature were made against the office staff of the Commissioner from time to time ? If so, what action did Government take to eradicate the evil ?

(f) Is it a fact that when complaints of such nature were made in the past, the Commissioner of Income-tax reported to the Government of India that such complaints were made at the instance of interested persons ?

(g) Do Government propose to institute a regular enquiry into the existing administration of the Income-tax Department, Bihar and Orissa, in order to remove the complaints and defects and to place it on a satisfactory basis ?

The Honourable Sir James Grigg : (a) Yes. The two letters which appeared in the *Indian Nation* to which the Honourable Member refers suggest that there is a sense of insecurity in the Bihar and Orissa Income-tax Service, because there were some retrenchments of officers in 1932 ; and, secondly, that as all the officers of the Department are placed under the control of one officer, *viz*, the Commissioner of Income-tax,—if that officer is not strong and impartial, the interests of the subordinate officers may suffer by intrigues in the department and the officers may be subjected to undeserved "pin-pricks". The officers of the Department know that the retrenchments made in the Income-tax Department as well as in other Departments were non-recurrent measures necessitated by the financial stringency of the time, and are not likely to be repeated. They, therefore, have no reason for labouring under a sense of insecurity. The Government of India agree with the other sentiments expressed in the letters though not with the implication that the situation suggested actually exists and do not consider that any action is called for.

(b) and (c) The answer is in the negative. The Bihar and Orissa Income-tax staff both Gazetted and Ministerial have their own recognised Associations and have never complained of harsh or insulting treatment on the part of the head of the Department or unparliamentary language in official letters or documents.

(d) The suggestion made in the question has no foundation

(e) The answer to the first part of the question is in the negative. The second part of the question does not therefore, arise

(f) No.

(g) No.

MUSLIMS APPOINTED AS SUGAR INSPECTORS.

310 ***Sir Muhammad Yakub** : (a) How many Sugar Inspectors were appointed last year and how many of them were Muslims ?

(b) Is it a fact that one of the Muslims appointed last year has resigned ?

Mr. A. H. Lloyd : With your permission, Sir, I shall answer questions 310 and 311 together. The staff employed in connection with the administration of the sugar excise duty is under the control of the Provincial Governments. The Government of India have, therefore, no information regarding appointments of Sugar Inspectors, and the orders relating to the reservation of posts in Central Services do not apply to such appointments.

Sir Muhammad Yakub : What does the Honourable Member mean that the orders of the Government of India do not apply to "such appointments" ?

Mr. A. H. Lloyd : The appointments of sugar inspectors made by Provincial Governments.

Sir Muhammad Yakub : Are not the Government of India taking the excise duty from sugar ?

Mr. A. H. Lloyd : The excise duty is levied on behalf of the Government of India by the Provincial Governments working as agents to the Government of India.

Sir Muhammad Yakub : Cannot the Government of India direct the Provincial Governments to make recruitment according to the rules which have been issued by the Government of India about recruitment in the Central Services ?

Mr. A. H. Lloyd : I am not aware that that question is being considered.

Sir Muhammad Yakub : Will Government consider this question ?

Mr. A. H. Lloyd : I am prepared to consider whether anything could be done in that direction.

Mr. A. K. Fuzlul Huq : Does it come to this that the Government of India cannot help the Muslims in this matter ?

Mr. A. H. Lloyd : It comes to this that the Government of India have not interfered with the arrangements of the Provincial Governments in a subject which the Provincial Governments are administering as their agents.

Mr. Lalchand Navalrai : May I know if the Government of India are in a position to get information from the Provincial Governments on questions like these when Honourable Members of this House want information ?

Mr. A. H. Lloyd : It depends upon the opinion of the Government of India as to the value of the information if obtained.

Mr. Lalchand Navalrai : Am I to understand that the Government of India attach no value to the questions put today ?

Mr. A. H. Lloyd : The Government of India do not consider it necessary to interfere with the arrangements made by Local Governments for recruiting staff for the administration of a Central subject when the Local Governments are working as their agents.

Sir Muhammad Yakub : Am I to understand that the Resolution which was issued by the Home Department last year was merely an eye-wash and there was no substance in it ?

Mr. A. H. Lloyd : No, Sir. The amount of staff employed by the Provincial Governments as agents of the Government of India—at least so far as the Board of Central Revenue is concerned—is negligible compared with the amount of staff employed directly by the Central Government†

Sir Muhammad Yakub : Are Government aware that many back-doors are open in the Government of India to nullify the effect of the Home Department Resolution regarding communal representation ?

Mr. A. H. Lloyd : No, Sir.

Sir Muhammad Yakub : Are the Government of India prepared to make a survey of the effect of their Resolution ?

Mr. A. H. Lloyd : The Government of India are not prepared to undertake any survey of the kind mentioned by the Honourable Member unless they are satisfied that there is some foundation for an allegation of the nature made by the Honourable Member

Mr. President (The Honourable Sir Abdur Rahim) : Next question.

RECRUITMENT OF MUSLIMS AS SUGAR INSPECTORS.

†311. ***Sir Muhammad Yakub :** (a) What is the total number of Sugar Inspectors which the Government of India are going to recruit this year ?

(b) Do Government propose to observe their orders for reservation of 25 per cent of the posts for Muslims ? If not, why not ?

PERCENTAGE FIXED FOR MUSLIMS ON THE ASSAM BENGAL RAILWAY.

312. ***Dr. Ziauddin Ahmad :** (a) Will Government be pleased to state the percentage which the Railway Board has fixed for Muhammadans on the Assam Bengal Railway

(b) Was this percentage communicated to the Agent of the Assam Bengal Railway ?

(c) Was the Agent instructed, directly or indirectly, to give the percentage fixed for the Mussalmans to other communities ?

(d) Did the Agent follow the instructions of the Railway Board in the recent recruitments ?

†For answer to this question, see answer to question No. 310.

Mr. P. R. Rau : (a), (b) and (d). The Railway Board suggested that 35 per cent of all vacancies in the subordinate posts to be filled in future by direct recruitment should be reserved for Muslims. This has been accepted by the Board of Directors and the operation of the orders will be watched by the Government of India by means of statements which Railway Administrations are required to submit quarterly.

(c) No.

ENQUIRY INTO THE CONDUCT OF AN IMPERIAL SERVICE OFFICER.

313 ***Sardar Mangal Singh :** (a) Will Government please state who is a competent authority to order an enquiry under Act XXXVII of 1850 into the conduct of an Imperial Service Officer ?

(b) Will Government please state how many officers of the Imperial Services have been tried under Act XXXVII of 1850 by one Commissioner and how many by more than one ?

The Honourable Sir Henry Craik : (a) The authority is the Governor General in Council.

(b) I regret I am unable to supply this information the collection of which would necessitate an examination of the records of every inquiry held under the Act.

RECRUITMENT OF MUSLIMS IN THE ENGINEERING DEPARTMENT OF STATE RAILWAYS.

314. ***Syed Ghulam Bhik Nairang :** (a) Will Government be pleased to state the respective numbers of Muslim and non-Muslim employees in the Engineering Department of the several State-owned Railways ?

(b) In view of the paucity of Muslim employees in the Engineering Department of the State-owned Railways, are Government prepared to order that fresh recruitment to the said Department may be confined to the Muslims, when qualified Muslim candidates are available, till the proportion of Muslim employees in the Department comes up to that contemplated by Government orders bearing on the subject ?

Mr. P. R. Rau : (a) Government regret they are not prepared to supplement with figures for individual Departments the information in regard to communal representation in railway services which is given in the Annual Administration Report of Indian Railways.

(b) No. I would invite the Honourable Member's attention to paragraph 5 of the Memorandum of Supplementary Instructions, issued by the Government of India, Home Department, in May, 1935, a copy of which is, I believe, in the Library of the House

CANCELLATION OF THE PASSPORT OF MR. MASANI OF BOMBAY.

315. ***Prof. N. G. Ranga :** (a) Are Government aware of the fact that the passport granted in India to Mr. Masani of Bombay, one of the secretaries of the All-India Congress Socialist Party was seized by the Police in England in order to prevent him from visiting any of the continental countries even for purposes of health ?

(b) If so, what are the special political or other reasons for which he is thus disabled and insulted ?

(c) Is it the intention of Government to prevent any or all the Indian Socialists from visiting any of the continental countries ?

(d) If not, why is Mr. Masani subjected to this disability ? If so, is it to prevent him or them from either studying the socialist activities and policies of the continental countries or from carrying on propaganda on behalf of the Indian Congress Socialists ?

(e) If so, what is the justification for such an action ?

The Honourable Sir Henry Craik : (a) to (e). I am aware that Mr. Masani's passport was impounded in England. This action was taken, not because Mr. Masani is a Socialist but because the Government of India considered that Mr. Masani's activities in India were such as to make it undesirable that he should be in possession of a passport for travel abroad. His passport was renewed subsequently in view of certain assurances being given on his behalf in England.

Prof. N. G. Ranga : With reference to the reply to part (e), is it the intention of the Government to prevent only Indian Socialists from visiting Continental countries ?

The Honourable Sir Henry Craik : I said that this action was not taken because Mr. Masani was a Socialist.

Mr. S. Satyamurti : What is the nature of the activities of Mr. Masani or of any other person in India, which, in the judgment of the Government of India, will dis-entitle them to have passports to travel to foreign countries ?

The Honourable Sir Henry Craik : That is a very wide question which I cannot answer in a few words.

Mr. S. Satyamurti : May I have a rough idea ? Apart from violent activities, are there any non-violent activities which are likely to bring such people within the mischief of the prohibition which the Government of India apply in granting passports to travel to foreign countries ?

The Honourable Sir Henry Craik : Close association with the Communist Party would be one of the reasons, and, for example, if we knew that the person intended to visit a Communist Conference at Moscow, we would probably refuse to provide him with a passport.

Mr. S. Satyamurti : Was Mr. Masani going to attend the Communist Conference at Moscow ?

The Honourable Sir Henry Craik : I do not know.

Mr. S. Satyamurti : Then, on what information, did Government withhold permission to Mr. Masani to travel to certain countries ?

The Honourable Sir Henry Craik : I did not say that was the exclusive reason ; there were other reasons.

Mr. S. Satyamurti : What are they ?

The Honourable Sir Henry Craik : Close association with the Communist Party is one of the chief reasons.

Prof. N. G. Ranga : Is it not a fact that Mr Masani has, for the last two years, been carrying on Congress socialist propaganda and nothing else, and that he is not connected with any Communist organization or Communist propaganda ?

The Honourable Sir Henry Craik : I do not think that is a fact.

PROTECTION TO THE INDIAN SERICULTURAL INDUSTRY.

316 **Prof. N. G. Ranga :** (a) Will Government be pleased to state whether the Tariff Board has made certain recommendations suggesting the imposition of protective duty upon the imports of foreign silk and silk-yarn in order to protect the Indian Sericulture ?

(b) If so, when and what are those recommendations ?

(c) What is the action taken by Government upon those recommendations ?

(d) Are Government aware of the fact that the imports of silk and silk-yarn are just the same or even more in spite of the import duty levied ?

(e) If so, what are the comparative figures of imports for the year preceding the raising of the import duty and the years since its imposition ?

(f) What are the prices quoted for those imports in the year preceding the raising of the import duty and since its imposition ?

(g) Are Government aware that the present import duty has not tended to give any appreciable protection to the Indian Sericultural Industry ?

(h) Are Government prepared to consider the advisability of levying a higher import duty under the Safeguarding of Industries Act to protect the Indian sericultural industry ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes, Sir.

(b) and (c). Attention of the Honourable Member is invited to (1) the Report of the Indian Tariff Board regarding the grant of protection to the Sericultural Industry, and (2) the Indian Tariff (Textile Protection) Amendment Act, 1934, copies of which are available in the Library.

(d), (e) and (f). Attention of the Honourable Member is invited to the Accounts relating to the Seaborne Trade and Navigation of British India.

(g) Representations have recently been received to the effect that the existing import duties are inadequate. These are receiving the attention of Government.

(h) The Safeguarding of Industries Act, 1933, lapsed on the 31st March, 1935.

I may add to the written reply that, during my recent tour to South India, representations were made to me also, apart from the representations received by the Department, and the whole question is being very carefully considered.

Mr. S. Satyamurti : When was the first representation received by the Government for protection to the sericulture industry ?

The Honourable Sir Muhammad Zafrullah Khan : Before the Tariff Board was set up ?

Mr. S. Satyamurti : When was it received ?

The Honourable Sir Muhammad Zafrullah Khan : Does the Honourable Member mean when the first representation was received that an enquiry should be made for affording protection before the Tariff Board was set up ? If so, I have no information.

Mr. S. Satyamurti : Is it not some years ?

The Honourable Sir Muhammad Zafrullah Khan : I could not say

Mr. S. Satyamurti : How long do you propose to consider this matter ?

The Honourable Sir Muhammad Zafrullah Khan : So far as the Tariff Board report is concerned, it was considered and action taken upon it and the Indian Tariff Textile Protection Act of 1934 was passed. I think the Honourable Member is under a misapprehension. Since the Act was passed and the duty was imposed, further representations have been received that adequate duties have not been levied. With regard to this, further representations have been made since the duty was levied which was only a few months ago, and now the whole matter is being considered.

Mr. S. Satyamurti : I am asking about clause (g) of the question.

The Honourable Sir Muhammad Zafrullah Khan : As I said, it is a question which requires consideration. The manufacturers of silk, or rather those who are interested in the rearing of silk worms and the preparation of silk, have made representations since the passing of that Act that the duty levied is not adequate. Inasmuch as the Act itself was passed in 1934 and these representations have only been received during the last few weeks, the matter is being taken up again and is being looked into. I have not been able to appreciate the real point of the question.

IMPROVEMENT IN THIRD CLASS CARRIAGES ON RAILWAYS IN INDIA.

317. ***Prof. N. G. Ranga :** (a) Will Government be pleased to state the progress made since last Session of the Assembly in the development of a new and better third class carriage ?

(b) Do Government propose to introduce this new model third class carriage upon all the railways in India ?

(c) If not, what steps do they propose to take to see that the third class carriages of all the railways and particularly the Company-managed Railways are also improved ?

(d) What is the estimate of additional cost to be incurred by introducing this new model carriage on State-managed Railways alone ?

Mr. P. R. Rau : (a) A sample third class coach of improved type is at present being built by the Great Indian Peninsula Railway. It

will be ready for inspection by the members of the Central Advisory Council for Railways during the next Delhi Session

(b) and (c). If approved, the new type will be adopted as the future standard for the State-managed Railways. The Company-managed Railways will be requested to adopt this standard design

(d) It is estimated that the cost of the new type carriage will exceed the cost of the present standard type carriage by Rs. 5,000

Prof. N. G. Ranga : What is the estimate of the Government of India for the construction of this new type of carriages as and when the old type carriages come to be scrapped and new carriages are put in their place ?

Mr. P. R. Rau : I cannot frame an estimate of that at the present moment.

Dr. T. S. S. Rajan : What is the passenger capacity of the new third class carriage ?

Mr. P. R. Rau : I believe it is 96.

Dr. T. S. S. Rajan : Has there been any difference of opinion with regard to the total accommodation between the various State Railways and Company-managed Railways ?

Mr. P. R. Rau : A drawing of this type was placed before the Central Advisory Council last March or April, and it was discussed by the members there and it was finally decided that a coach of that type should be built in Bombay and should be brought to Delhi to be inspected by them, and, after their inspection, they would be in a position to give their advice as to whether any changes would be necessary

Prof. N. G. Ranga : How many carriages come to be scrapped annually on account of their being too old ?

Mr. P. R. Rau : I think my Honourable friend must give me notice of that question.

PLACING OF COMPLAINT BOOKS IN GUARDS' CARRIAGES AND AT JUNCTION STATIONS.

318. ***Prof. N. G. Ranga :** Will Government be pleased to state what action has been taken since last Session upon their promise to me in answer to my question to see that complaint books are placed in the guards' carriages in all trains and also at all the junction stations ?

Mr. P. R. Rau : In answer to the question to which my Honourable friend refers, I stated that I was having enquiries made with a view to considering whether the suggestion should be brought to the notice of other Railways and that when information was obtained I would place it on the table of the House.

The suggestion was brought to the notice of certain principal Railways and I am placing on the table of the House a statement summarising the replies received.

Statement.

Assam Bengal Railway.—Since 1932 guards carry complaint books and a notice to this effect is exhibited in the bath rooms of first and second class compartments. Arrangements are being made for these notices, printed in the vernacular, to be posted up in lower class carriages.

Bengal and North Western Railway.—Complaint books were introduced at some of the more important junctions from November 1931 and a notice is displayed at stations that this book is available. The Head Ticket Collector carries this book with him when checking trains and produces it on demand.

Bengal Nagpur Railway.—Had experimented with a somewhat similar proposal in 1928 when Conductor Guards were given forms to supply to upper class passengers in the event of their wishing to make any complaints. The experiment was not successful and the arrangement was therefore discontinued.

Bombay, Baroda and Central India Railway.—Have introduced the complaint book at Ahmedabad station and propose waiting to see the result of the experiment at stations on other railways.

Eastern Bengal Railway.—Guards carry a complaint book, and a notice to this effect is exhibited in upper class carriages. Arrangements are being made for similar notices to be posted up in all carriages.

East Indian Railway.—Complaint books have been introduced at certain selected stations as an experimental measure for one year, when a report will be submitted to the Railway Board.

Great Indian Peninsula Railway.—Complaint books have been introduced at seven important stations as an experimental measure for one year, when a report will be submitted to the Railway Board.

Madras and Southern Mahratta Railway.—Are experimenting by placing "Suggestion Books" at one station.

North Western Railway.—A complaint book has been maintained as an experiment at Lahore station since July 1933 and a notice to this effect is displayed at the station. Only three complaints had been recorded up to May 1935 and, in view of the small use made, the arrangement has not been extended to other stations. The experiment at Lahore station will be continued and a report submitted to the Railway Board after a year.

South Indian Railway.—Are arranging to introduce complaint books at some of the more important stations and a notice to this effect will be exhibited on notice boards: a paragraph regarding this being also inserted in the Railway's Coaching Time Table and Guide.

INFERIOR QUALITY OF FOOD SERVED IN THE VIZAGAPATAM INDIAN REFRESHMENT ROOM.

319 *Prof. N. G. Ranga : (a) Are Government aware of the fact that the sweets and other eatables sold in the Vizagapatam Indian Refreshment Room are cooked with oil and are unfit for human consumption and that a cup of coffee is charged $1\frac{1}{2}$ annas as against $1\frac{1}{4}$ annas charged in other similar refreshment rooms ?

(b) Are Government aware also that the food given there is distinctly of inferior quality to that served in other refreshment rooms ?

Mr. P. R. Rau : (a) and (b). I am not aware what refreshment room my Honourable friend is referring to. The Agent, Bengal Nagpur Railway, states that there is no Indian refreshment room at Vizagapatam station. He adds that the price for a cup of coffee in the Railway's Indian Refreshment rooms is one anna.

Prof. N. G. Ranga : Will the Honourable Member try to ascertain the true facts, because I myself have been to this Indian refreshment room at Vizagapatam, and it is still there ?

Mr. P. R. Rau : May I know when my Honourable friend visited that station ?

Prof. N. G. Ranga : Only two months ago.

Mr. P. R. Rau : I will make further inquiries on the point, but the Agent has definitely told me that there is no such refreshment room

RAILWAY CONCESSION TICKETS ISSUED TO STUDENTS.

320. **Prof. N. G. Ranga :** (a) Will Government be pleased to state on what conditions and principles are concession tickets issued to students to enable them to go to and from their schools ?

(b) Which schools are recognised for this purpose ?

Mr. P. R. Rau : (a) Concession tickets are issued on production of a certificate from the Head Master or Principal of the institution to which the parties belong as follows :

- (1) to parties of not less than 15, when travelling to or from the same stations ;
- (2) to parties of not less than 4, when travelling for examination or educational purposes :
 - (i) from their institution to their homes, or *vice versa* ;
 - (ii) from their institution to an examination centre, or *vice versa* ;
 - (iii) from their homes to an examination centre, or *vice versa*.
- (b) (i) Schools teaching up to the primary, middle, high school or entrance standards which are recognised by the Education Department.
- (ii) Colleges affiliated to a recognised University.
- (iii) Medical schools, technical, commercial, industrial and agricultural institutions under Government or recognised by Government.

REFUSAL TO GRANT CONCESSION TICKETS TO THE STUDENTS OF THE PEASANTS INSTITUTE, ANDHRA.

321. ***Prof. N. G. Ranga :** (a) Are Government aware of the fact that the Peasants Institute started and run by the Andhra Peasants Protection Committee applied in April, 1935, to the Madras and Southern Mahratta Railway for concession tickets to its students who are all peasants ?

(b) Is it a fact that such concession tickets were refused to be granted ?

(c) If so, will Government state the reason for such a refusal ?

(d) Are Government prepared to consider the advisability of granting such concession tickets to all educational institutions irrespective of the fact of their recognition by the educational department ?

Mr. P. R. Rau : (a) I understand that the Honourable Member applied on the 11th March for concession rates to be granted to students of the Peasants Institute at Nidubrolu.

(b) Yes.

(c) and (d). The Honourable Member will have noticed from my reply to his previous question that the concession is restricted to students of certain recognised institutions. In view of the present financial position of railways, Government are not prepared to extend concessions of this sort unless it is clear that such an extension will result in an increase of earnings.

Mr. M. Ananthasayanam Ayyangar : Why is a discrimination made between one institution and another, and why are some only recognised ?

Mr. P. R. Rau : I have already replied to that. I said that, in view of the present financial position of Railways, Government are not prepared to extend the concession to other institutions.

DEVELOPMENT OF THE RURAL CREDIT DEPARTMENT OF THE RESERVE BANK OF INDIA.

322. ***Prof. N. G. Ranga :** (a) Will Government be pleased to state what measures have so far been taken by the Reserve Bank of India to develop its Rural Credit Department ?

(b) What is the nature of the recommendations made for its development and work by the special officer Mr. Darling ?

(c) What steps are proposed to be taken during the next year to help the agricultural interests ?

(d) Do Government propose to consider the advisability of appointing an Advisory Council consisting mostly of members of the Central Legislature to aid the Rural Credit Department of the Reserve Bank ?

The Honourable Sir James Grigg : (a), (b) and (c). Mr. Darling was appointed on special duty to report on the co-operative and agricultural credit movement to the Reserve Bank in order to assist it in the formation of the agricultural credit department. Mr. Darling's Report is now under the consideration of the Bank and until the Bank has considered the report, it is not possible to state what steps will be taken in the matter.

(d) The creation of the department is a matter for the Bank under section 54 of the Reserve Bank of India Act, 1934, and it would be improper for Government to consider the appointment of an Advisory Council to assist that department.

Prof. N. G. Ranga : What is the information of the Government of India as to when the Reserve Bank of India will try to develop its Rural Credit Department and then begin to carry on its functions ?

The Honourable Sir James Grigg : I have no information on that. As I say, the report of Mr. Darling is under consideration, and that is all I can say.

Prof. N. G. Ranga : In view of the fact that mention has been made here in his own report on rural development about the report submitted by Mr. Darling on the co-operative movement in India, will the Honourable Member inform the House whether he has considered that particular report, and, if so, what are his conclusions ?

The Honourable Sir James Grigg : I think the Honourable Member is confusing two sets of reports. The primary set is that to the Reserve

Bank in relation to the setting up of their Agricultural Credit Department. But Mr. Darling was asked by the Government of India to advise what should be the best way of spending the sum of 10 or 15 lakhs which was set aside from the crore in relation to the co-operative movement. If the Honourable Member wants to know any details about that 15 lakhs he should address the question to the Education, Health and Lands Department.

Prof. N. G. Ranga : What is the nature of the recommendations made by Mr. Darling as to the best way of helping the rural co-operative movement ?

Sir Girja Shankar Bajpai : The distribution of the 15 lakhs which the Government of India have set apart for assisting the co-operative movement in the provinces has already been made

Prof. N. G. Ranga : Apart from the distribution of 15 lakhs out of this rural development grant, will the Government of India be good enough to tell us the general trend of the recommendations made by Mr. Darling for the development of a Rural Credit Department for the Reserve Bank ?

The Honourable Sir James Grigg : I certainly could not do that without the permission of the Reserve Bank.

CENSUS OF THIRD CLASS PASSENGERS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

323. ***Prof. N. G. Ranga :** (a) Will Government be pleased to state if it is a fact that the Madras and Southern Mahratta Railway Company took a census of third class passengers during the last summer ?

(b) If so, between what stations and for how many and which days ?

(c) What are the results of such a census ?

(d) Was any overcrowding discovered ?

(e) If so, to what extent ?

(f) What steps are proposed to be taken by the Railway authorities to improve the accommodation for third class passengers ?

Mr. P. R. Rau : (a) I understand that a census of passenger trains was taken for a week in June, 1934.

(b), (c), (d) and (e). I am placing on the table a statement showing the number of trains and carriages checked and particulars of the over-crowding brought to notice. Over-crowding was discovered on three broad gauge trains out of 105 trains checked and on two metre gauge trains out of 123 trains checked

(f) The Agent, Madras and Southern Mahratta Railway, states that the over-crowding on the broad gauge was due to large marriage parties travelling unexpectedly and that on the metre gauge was due to a sudden rush of traffic from Goa owing to coastal steamer services having been closed on account of the monsoon. This was relieved by the running of an extra train, through to Poona, with effect from the 21st June, 1934.

Statement showing particulars of overcrowding detected in trains during Census taken in June 1934.

Date.	Train No.	Station.		Station at which checked.	Extent of overcrowding.		
		From	To		Seating capacity.	Total passengers in train.	No. in excess of seating capacity.
1934 June,—							
14th	10 Up	Waltair	Madras ..	Tenali ..	346	360	14
15th	9 Dn.	Madras	Waltair	Do ..	452	473	21
23rd	15	Madras	Bangalore City.	Jalarpet ..	496	528	32
18th	1 Up	Bangalore City.	Poona ..	Belgaum	294	313	19
19th	1 Up	Do. ..	Do. ..	Do. ..	234	247	13

Total number of trains checked	..	{	B. G. ..	..	..	105
			M. G. ..	..	..	123
Total number of carriages checked	..	{	B. G. ..	..	.	555
			M. G. ..	..	..	813

Prof. N. G. Ranga : Do the Government of India understand from the Agent of the Madras and Southern Mahratta Railway that any special carriages have to be attached to trains running between Waltair and Madras ?

Mr. P. R. Rau : No, Sir ; I am not aware that he is proposing to add extra carriages between Waltair and Madras.

STATEMENTS LAID ON THE TABLE.

Information promised in reply to starred question No. 485 asked by Mr. Sitakanta Mahapatra on the 7th of August, 1934.

POSTING OF CERTAIN INCOME-TAX OFFICIALS AT A PARTICULAR STATION FOR A LONG TIME IN BIHAR AND ORISSA.

(a) and (b). Only one Income-tax Officer and one Inspector-Accountant in Bihar and Orissa continued to remain in the same station for more than three years. They have since been transferred. Only six officers were posted in 1934 to their home districts. Income-tax Officers, as a rule, are transferred after every three years. Inspector-Accountants are transferred as occasion requires Members of the clerical

staff are not ordinarily liable to transfer. Transfers in their cases are made only in exceptional circumstances, e.g., when vacancies occur due to death, retirement or promotion or when there are reasons to believe that the retention of a clerk at a particular station is undesirable.

(c) Yes.

(d) In 1932 four Income-tax Officers applied for leave. It was granted to three of them but postponed in the case of the fourth at his own request. In 1933 also leave was applied for by four officers and was granted to two of them. One officer withdrew his application and the other was refused leave.

(e) The Government are not aware that any sense of insecurity in service exists. The resolution referred to was received and duly considered by Government who were satisfied that there were no grievances which required to be removed.

Information promised in reply to Pandit Govind Ballabh Pant's starred question No. 344 on the 20th February, 1935.

DAMAGE TO CROPS BY THE RECENT FROST.

There was slight or no damage to crops in Madras, Bengal, Bihar and Orissa, Assam, Coorg, North-West Frontier Province and Burma. The position in regard to the other provinces is stated below :

Central Provinces.—No appreciable damage was done to crops except in parts of three districts. Remission of land revenue was granted by the Local Government to the extent of Rs. 34,000. In addition relief was given in the shape of suspension of land revenue amounting to Rs. 2,05,000.

Delhi.—Crops were damaged by frost but the rains which fell subsequently made good most of the damage that was done except in the case of oilseed and sugarcane crops, in the case of which loss was estimated to be below 25 per cent. A sum of Rs. 20,000 was set aside for distribution as takavi for the purchase of sugarcane seed. Efforts were made in co-operation with the Agricultural Department of the United Provinces to supply good sugarcane seed from the neighbouring United Provinces Districts.

Ajmer-Merwara.—Damage to standing crops in the Ajmer sub-division and the Beawar tahsil was very slight. In the Todgarh tahsil it was between 4 annas and 8 annas in the rupee but was not widespread. In the Kekri sub-division damage was caused to the gram crops to the extent of 8 annas in the rupee and the early sown barley crops in certain places were also affected. The damage was mitigated by the showers which followed the frost. The damage was not severe or widespread enough to require any special relief measures.

United Provinces.—*Arhar* was the only crop which suffered considerable damage. The loss to the other crops was negligible except in very limited areas chiefly damaged by hail. Beneficial rain in many districts soon after the frost did much to counteract the loss threatened by frost. *Arhar* is essentially a kharif crop though it is harvested in the Rabi, but as a special case the United Provinces Government allowed District Officers to treat *Arhar* as a Rabi crop for purposes of granting relief on account of agricultural calamities during Rabi 1342 Fash.

Baluchistan.—There was no damage to standing crops by frost. Damage was caused to fruit trees by frost while the standing wheat crops in certain parts of the Province were injured by hail but the damage did not prove to be so serious as to require any special relief measures.

Punjab.—The only appreciable damage done by frost in this Province was to the standing sugarcane crop, which was rendered unfit for being used as seed. The damage was mitigated by the fact (1) that the cane intended for seed purposes had already been buried in the ground in many places before the advent of frost, and (2) that most of the Coimbatore varieties which are now extensively grown in the Province are capable of giving a good ratoon crop next year, even if no seed is

available for fresh sowings. In the district of Gurdaspur the damage to sugarcane was estimated to be 1/16th in irrigated and 1/4th in unirrigated tracts. In order to mitigate the distress improved seed was introduced and takavi was distributed. Relief was also given in the shape of suspension of land revenue. Standing rabi crops were damaged in parts of certain districts, where the damage was not made good by subsequent rains, the situation was met by the grant of suspensions or remissions of land revenue and water rate. Fruit trees were also damaged in certain localities but the damage was not serious.

Bombay.—The damage to crops was severe in parts of the Gujarat districts in the Northern Division. There was some damage in certain districts of the Central Division especially Nasik and, to a lesser degree, Ahmadnagar. The districts of the Southern Division were immune from this calamity. In Sind slight damage was caused to rabi crops by a cold wave in Dadu, Thar Parkar, Upper Sind Frontier and Larkana districts. In order that relief might be granted, as far as possible, to the agriculturists whose crops were destroyed either wholly or partially by frost, the Government of Bombay sanctioned suspensions and remissions of land revenue and irrigation dues and also granted concessions in the matter of the recovery of takavi loans and the dues of co-operative societies. The suspensions and remissions of land revenue granted on this account amounted to Rs. 17,72,000 and Rs. 10,86,000 respectively.

Information promised in reply to starred questions Nos. 1218 and 1219 asked by Mr. M. S. Aney on the 30th March, 1935

SALE OF QUININE.

No. 1218 —Statement showing the quantity of Quinine sold in provinces and the amount recovered for its price per Year from 1924-34

Province	Year	Quantity sold	Amount recovered	Remarks.
1	2	3	4	5
		lbs	Rs.	
Madras	1925	7,900	1,37,097	Figures for 1924 are not available.
	1926	7,645	1,72,355	
	1927	9,386	1,55,459	
	1928	9,600	1,63,157	
	1929	13,204	2,27,285	
	1930	13,710	2,34,203	
	1931	9,294	1,49,508	
	1932	8,816	1,44,433	
	1933	7,256	1,31,169	
	1934	8,981	1,53,747	

Province	Year.	Quantity sold.	Amount recovered.	Remarks.
1	2	3	4	5
		lbs.	Rs.	
Bombay . . .	1924	1,768	46,865	Figures are for the financial years 1924-25 to 1933-34.
	1925	1,264	30,429	
	1926	1,334	31,707	
	1927	1,447	34,364	
	1928	1,721	43,418	
	1929	2,164	46,325	
	1930	2,218	37,962	
	1931	2,036	36,107	
	1932	2,091	34,233	
	1933	2,638	44,935	
	1934	2,812	42,622	
Bengal . . .	1924	38,236	7,29,291	
	1925	39,325	7,16,911	
	1926	31,510	5,34,687	
	1927	23,243	3,74,706	
	1928	29,814	4,71,692	
	1929	26,612	4,30,326	
	1930	28,668	4,39,703	
	1931	31,585	4,77,941	
	1932	35,493	5,21,650	
	1933	46,991	7,26,748	
	1934	..		
United Provinces . .	1924	646½	19,392	
	1925	601	18,026	
	1926	425	12,757	
	1927	508	15,240	
	1928	344.	10,319	
	1929	550½	16,518	

Province.	Year	Quantity sold.	Amount recovered	Remarks.
1	2	3	4	5
		lbs. oz. dr.	Rs. a. p.	
United Provinces— <i>contd.</i>	1930	450½	13,512 0 0	
	1931	467	14,006 0 0	
	1932	619½	14,853 0 0	
	1933	680½	15,989 0 0	
	1934	903	21,106 0 0	
Punjab	1924	1,511	48,418 8 0	Financial year 1924-25 to 1934-35.
	1925	1,322	42,326 1 0	
	1926	1,634	47,103 14 0	
	1927	1,567	34,056 13 0	
	1928	1,702	37,055 7 0	
	1929	3,818	83,373 0 0	
	1930	2,544	55,543 6 0	
	1931	1,984	43,681 15 0	
	1932	2,137	46,756 10 0	
	1933	2,854	62,384 0 0	
	1934	1,420	34,026 9 0	
Bihar and Orissa	1924	671 2	26,428 0 0	
	1925	726·6	28,602 0 0	
	1926	433·4	17,065 0 0	
	1927	398 9	10,471 0 0	
	1928	529·5	13,899 0 0	
	1929	584·7	15,348 0 0	
	1930	501·2	13,156 0 0	
	1931	536·4	14,080 0 0	
	1932	455·3	11,951 0 0	
	1933	344·7	9,048 0 0	
	1934	339·2	8,348 0 0	

Province.	Year.	Quantity sold	Amount recovered.	Remarks.
1	2	3	4	5
		lbs. oz. dr.	Rs. a. p.	
Burma	1924	2,147	23,482 13 0	Figures for 1924-28 and 1934 relate to sales of cinchona febrifuge only.
	1925	2,070·11	22,641 14 0	
	1926	1,917·49	20,972 8 0	
	1927	2,343·49	25,631 14 0	
	1928	1,926·17	21,067 8 0	
	1929	3,754·57	55,958 6 0	
	1930	4,246·17	65,453 14 0	
	1931	5,435 37	90,232 0 0	
	1932	3,633·66	54,704 0 0	
	1933	3,579·03	57,230 10 0	
	1934	1,926·62	23,413 12 0	
Central Provinces ..	1924	1,113 3 0	15,248 15 3	
	1925	1,050 1 0	14,755 3 0	
	1926	1,082 8 15	14,903 13 11	
	1927	1,206 0 4	16,453 13 9	
	1928	1,155 4 8	16,348 10 9	
	1929	1,721 2 0	24,047 10 3	
	1930	1,543 0 0	21,462 11 0	
	1931	1,548 0 0	21,494 14 0	
	1932	1,962 0 0	21,343 5 0	
	1933	1,820 0 0	25,264 13 0	
	1934	1,710 11 5½	24,129 8 7	
Assam	1924	493·25	21,761 0 0	Figures for 1924-29 represent those for financial years and figures for 1930-34 represent those for calendar years.
	1925	359 88	17,596 0 0	
	1926	498·28	14,868 14 0	
	1927	650 85	11,532 14 0	
	1928	896 11	17,064 7 0	

Province.	Year.	Quantity sold.	Amount recovered	Remarks.
1	2	3	4	5
Assam— <i>contd.</i>	1929	lbs oz. dr. 838 62	Rs. a. p. 15,745 6 0	
	1930	923·88	16,696 12 0	
	1931	819·42	15,512 14 0	
	1932	717·82	13,753 5 0	
	1933	988·34	18,965 8 0	
	1934	907·20	15,710 8 0	
North-West Frontier Province.		<i>Nil.</i>		Quinine was distributed free by the local Government.
Coorg	1924	.	..	Figures for 1924-26 are not available.
	1925	.	..	
	1926	..	.	
	1927	73	1,873 9 0	
	1928	53	1,372 0 6	
	1929	38	962 12 3	
	1930	34	691 11 0	
	1931	34	550 15 6	
	1932	28	484 7 3	
	1933	22	358 14 9	
	1934	25	410 4 9	
Delhi		<i>Nil.</i>		
Baluchistan		<i>Nil.</i>		Quinine was distributed free by Government.
Ajmer-Merwara		<i>Nil.</i>		Ditto.
Andamans		<i>Nil.</i>		Ditto.

**EXPENSES INCURRED FOR THE PURCHASE OF QUININE AND FOR ITS
DISTRIBUTION AND SALE.**

No. 1219. Statement showing the expenses incurred by Government per year from 1924-34 for the distribution and sale of quinine in different provinces.

Province.	Year.	Expenses incurred.			Remarks.
1	2	3			4
		Rs. a. p.			
Madras	1924	8,256	0	0	The cost of quinine sold or distributed free is not included in these figures, as the Government of Madras manufacture their own quinine. Figures relate to financial years 1924-25 to 1934-35.
	1925	7,444	0	0	
	1926	12,667	0	0	
	1927	17,038	0	0	
	1928	18,951	0	0	
	1929	19,756	0	0	
	1930	17,065	0	0	
	1931	14,874	0	0	
	1932	14,399	0	0	
	1933	14,260	0	0	
	1934	11,339	0	0	
Bombay	1924	1,29,798	0	0	
	1925	86,834	0	0	
	1926	61,588	0	0	
	1927	79,859	0	0	
	1928	58,352	0	0	
	1929	94,109	0	0	
	1930	74,925	0	0	
	1931	63,386	0	0	
	1932	57,664	0	0	
	1933	53,307	0	0	
	1934	67,289	0	0	

Province.	Year.	Expenses incurred.	Remarks.
1	2	3	4
		Rs. a. p.	
Bengal	1924	.	These figures relate to financial years 1925-26 to 1933-34. Figures for 1924-25 and 1934-35 are not available. The cost of quinine sold or distributed free has not been included in these figures, as the Government of Bengal manufacture their own quinine.
	1925	20,615 10 0	
	1926	24,780 3 6	
	1927	18,125 4 0	
	1928	20,370 0 6	
	1929	21,526 13 3	
	1930	19,825 13 3	
	1931	21,979 11 0	
	1932	26,169 15 9	
	1933	33,435 15 9	
	1934	..	
United Provinces..	1924	23,205 7 0	
	1925	34,761 8 2	
	1926	17,620 11 6	
	1927	23,045 0 10	
	1928	17,065 2 8	
	1929	28,530 6 6	
	1930	31,823 9 0	
	1931	31,734 13 0	
	1932	28,359 7 9	
	1933	33,391 13 11	
	1934	37,443 8 9	
Punjab	1924	71,995 0 0	Figures relate to financial years 1924-25 to 1934-35.
	1925	69,989 5 9	
	1926	67,915 15 0	
	1927	69,586 11 0	
	1928	68,007 13 0	

Province.	Year.	Expenses incurred.	Remarks.
1	2	3	4
		Rs. a. p.	
Punjab— <i>contd.</i>	1929	76,312 14 0	
	1930	77,724 11 0	
	1931	3,836 12 0	
	1932	1,635 0 3	
	1933	2,970 13 6	
	1934	40,874 6 0	
Burma	1924	25,176 4 0	Figures for 1924-28 and 1934 relate to cinchona febrifuge only.
	1925	23,786 4 0	
	1926	21,480 10 0	
	1927	30,721 14 0	
	1928	27,152 8 0	
	1929	60,582 2 0	
	1930	68,467 10 0	
	1931	91,608 4 0	
	1932	55,447 12 0	
	1933	59,568 2 0	
	1934	24,865 0 0	
Bihar and Orissa	1924	43,205 0 0	
	1925	37,477 0 0	
	1926	16,041 0 0	
	1927	13,036 0 0	
	1928	15,954 0 0	
	1929	21,147 0 0	
	1930	13,086 0 0	
	1931	13,986 0 0	
	1932	6,931 0 0	
	1933	8,259 0 0	
	1934	8,099 0 0	

Province.	Year.	Expenses incurred.		Remarks.
1	2	3		4
		Rs.	a. p.	
Central Provinces ..	1924	70,960	0 0	
	1925	52,968	5 6	
	1926	55,092	5 6	
	1927	28,379	13 0	
	1928	41,552	0 0	
	1929	33,302	15 0	
	1930	32,931	2 9	
	1931	34,369	13 0	
	1932	34,131	4 3	
	1933	44,940	12 6	
	1934	44,459	5 0	
North-West Frontier] Province.	1924	8,600	0 0	
	1925	8,600	0 0	
	1926	6,600	0 0	
	1927	5,820	0 0	
	1928	4,800	0 0	
	1929	4,800	0 0	
	1930	5,500	0 0	
	1931	6,000	0 0	
	1932	6,000	0 0	
	1933	7,500	0 0	
	1934	9,000	0 0	
Assam	1924	24,096	8 0	
	1925	19,846	8 0	
	1926	19,398	0 0	
	1927	20,842	12 0	
	1928	28,511	6 0	
	1929	26,906	12 0	

Province.	Year.	Expenses incurred.			Remarks.
1	2	3			4
		Rs.	a.	p.	
Assam— <i>contd.</i>	1930	30,291	8	0	
	1931	26,162	12	0	
	1932	29,120	15	0	
	1933	35,800	12	6	
	1934	27,357	1	0	
Baluchistan	1928	6,011	0	0	Figures for 1924-1927 are not available.
	1929	6,456	0	0	
	1930	6,612	0	0	
	1931	5,111	0	0	
	1932	3,876	0	0	
	1933	5,835	0	0	
	1934	7,682	0	0	
Delhi	1924	1,720	0	0	
	1925	1,580	0	0	
	1926	2,285	0	0	
	1927	1,090	0	0	
	1928	680	0	0	
	1929	1,045	0	0	
	1930	1,720	0	0	
	1931	1,285	0	0	
	1932	460	0	0	
	1933	880	0	0	
	1934	915	0	0	
Ajmer-Merwara ..	1929	1,031	0	0	Figures prior to 1929 are not available.
	1930	1,537	1	0	
	1931	983	12	0	

Province.	Year.	Expenses incurred.	Remarks.
1	2	3	4
		Rs. a. p.	
Ajmer-Merwara— <i>contd.</i>	1932	1,201 0 0	
	1933	1,031 6 0	
	1934	1,359 5 0	
Andaman and Nicobar Islands. ..	1924	4,158 8 0	
	1925	3,273 8 0	
	1926	5,880 0 0	
	1927	5,558 0 0	
	1928	2,103 0 0	
	1929	2,319 6 0	
	1930	5,590 12 0	
	1931	5,385 2 0	
	1932	4,982 7 0	
	1933	5,696 0 0	
	1934	3,144 0 0	
Coorg	1927	1,322 1 0	Figures prior to 1927 are not available.
	1928	953 15 0	
	1929	686 7 6	
	1930	607 9 6	
	1931	611 11 0	
	1932	508 0 6	
	1933	398 0 9	
	1934	453 14 0	

Information promised in reply to starred question No. 1352 asked by Dr. N. B. Khare, on the 2nd April, 1935.

CLASS OF EMPLOYEES ON STATE-MANAGED RAILWAYS WHO ARE PAID
PRESIDENCY ALLOWANCE.

A Presidency allowance *as such* is not paid on the State-managed Railways except to two employees (Running Shed Foreman, Bamangachie and Inspector of Works,

Howrah), who are governed by the late East Indian Railway Company Rules, and are given an allowance at the rate of Rs. 50 per mensem. This allowance will not be permissible to subsequent holders of these posts, unless they are governed by the old East Indian Railway Company Rules. Local allowances are, however, paid at Bombay, Calcutta and Rangoon as follows :

Compenstory and local house rent allowances are granted to all gazetted officers, stationed at Bombay, Calcutta (including Howrah and Lillooah) and Rangoon. Subordinate staff at these stations are granted the following allowances :

At Bombay, a local house allowance (with a special local allowance for subordinates drawing less than Rs. 200 per mensem) is granted to all subordinate staff (including running staff) and clerical staff of all departments (excluding workmen in the shops, apprentices, coolies and other inferior servants). Inferior servants employed in Bombay offices are granted a house allowance of Rs. 4 per mensem, if not provided with railway quarters.

At Calcutta, subordinate staff other than clerical staff are not granted any compensatory local allowance except Station Superintendent, Cabin Master and Train Control staff. Clerical staff including draftsmen, typists, stenographers, etc., are granted a local or compensatory allowance, except in grades where the local allowance has been merged in pay. Inferior and lower paid staff are paid a zone allowance.

At Rangoon, all subordinates are granted a house allowance.

Information promised in reply to starred question No. 1461 asked by Mr. Muhammad Nauman on the 4th April, 1935.

COMMUNAL COMPOSITION OF THE INDIAN STAFF IN THE OFFICE OF THE HIGH COMMISSIONER FOR INDIA.

(a) No.

(b) 82 Indians of whom 27 are Bengali Hindus.

(c) Eight.

(d) 12. Of these, one has been filled by a Hindu and none by a Muslim, as no suitable Muslim candidates were available. It may be mentioned that, though the provisions of the Government of India Resolution of the 4th July, 1934, cannot in view of the exceptional conditions of recruitment of Indians in England, be made applicable in their entirety to the offices under the control of the High Commissioner for India, the question of recruiting suitable Muslims for those offices always receives the personal attention of the High Commissioner.

Information promised in reply to question No. 1493 asked by Mr. Ram Narayan Singh on the 4th April 1935.

GRIEVANCES OF TRAVELLING TICKET EXAMINERS ON THE EAST INDIAN RAILWAY.

(a) I am not clear what information exactly is wanted by the Honourable Member. If he is referring to the enhanced rates of daily allowances payable to officers and subordinates visiting *Calcutta* on duty, the ordinary rate of daily allowance (and not double this rate) is only admissible for visits to *Howrah* on duty. The daily allowance is admissible only to officers and subordinates whose headquarters are outside *Howrah*. On the other hand, if the Honourable Member is referring to the local allowances paid to officers and subordinates stationed at *Calcutta* and *Howrah* (including *Lillooah*), I would refer him to the reply relating to *Calcutta* laid on the table to the question by Dr. N. B. Khare No. 1352. I should add that the scale of a local allowance granted has no relation to the daily (travelling) allowance which is given for a different purpose.

(b) Travelling Ticket Examiners are entitled to the same privileges as other subordinates, except that they are granted a consolidated travelling allowance in lieu of daily allowances.

Information promised in reply to part (b) of starred question No. 1542 asked by Mr. Muhammad Azhar Ali on the 5th April, 1935.

CERTAIN BENEFITS FOR MISTRIES AND MECHANICS OF THE POSTS AND TELEGRAPHS DEPARTMENT.

(b) The total number of posts of mistries and mechanics in the non-pensionable cadre, is 158 and 8 respectively. The mistries and mechanics look after all instruments, power plants and battery installations in telegraph offices and telephone exchanges and attend to minor repairs of such apparatus. They also look after electric installations in Post and Telegraph offices and installations of electric bells and clocks.

ELECTION OF A MEMBER TO THE STANDING ADVISORY COMMITTEE FOR THE INDIAN POSTS AND TELEGRAPHS DEPARTMENT

Mr. President (The Honourable Sir Abdur Rahim) : I have to inform the Assembly that upto 12 Noon on Wednesday, the 11th September, 1935, the time fixed for receiving nominations for the Standing Advisory Committee for the Indian Posts and Telegraphs Department, only one nomination was received. As there is only one vacancy I declare Mr J. Ramsay Scott to be duly elected to the Standing Advisory Committee for the Indian Posts and Telegraphs Department.

THE CRIMINAL LAW AMENDMENT BILL—concl'd.

Mr. President (The Honourable Sir Abdur Rahim) : The House will now resume consideration of the following motion moved by the Honourable the Home Member :

“ That the Bill to amend the Criminal Law be taken into consideration.”

Mr. N. M. Joshi (Nominated Non-Official) : Sir, I am very grateful to you for permitting me to put in a brief plea on behalf of human freedom. The legislation which the Assembly has been considering is one of a series of repressive Acts, firstly, restricting personal freedom in legitimate activities, and, secondly, investing the executive with powers which should belong to the judiciary. Legislation of this kind is abhorrent to my instincts and inconsistent with principles which I have imbibed during the course of my education and public life. When the original legislation was discussed in this Legislature in 1932, I had opposed it. I felt that such legislation unnecessarily restricts our freedom. It was said that we should not place too much value upon abstract principles of freedom. I do not share that view. I feel that abstract principles of freedom are of great value and we should try to follow them as much as possible. However, admitting that abstract principles require to be modified in real life, I would like to consider this legislation from a practical point of view as it affects the working classes of this country. I feel the Honourable the Home Member was unnecessarily pessimistic about his reading of the present situation. I think he and the supporters of the Government unnecessarily stressed the difference between the suspension and the withdrawal of the Civil Disobedience Movement. I feel there is no difference between suspension and withdrawal. There is nobody in this House who will insist upon any one of us here swearing an oath that we shall never

[Mr. N. M. Joshi.]

offer civil resistance to a legislation, however outrageous, however unjust that legislation may be. (*Opposition cries of "Hear, hear."*) I wonder whether the Honourable the Home Member himself will swear an oath that he will never offer resistance to a legislation, however unjust that legislation may be. I feel that the terrorist movement in this country is, fortunately for us, admittedly declining. The economic depression has not only reduced the strength of the Communist movement, but has brought the ordinary labour movement to a very low level. Unfortunately, in our country, there are communal clashes, but I have every hope that, with the passing of the Government of India Act, providing for adequate separate representation to all the minorities and making Statutory provision for giving to the minorities their due share in the public services, communal ill-will in this country is sure to diminish. I, therefore, feel that, in the present situation of the country, there was absolutely no justification for the legislation which the Government of India have brought forward before the Assembly.

With your permission, Sir, I shall now very briefly examine the various clauses of the Bill; and, being interested in the welfare of the working classes, I shall first take up the clause referring to picketing. Picketing, when accompanied by intimidation, obstruction, violence or encroachment on private property, can be dealt with under the ordinary law. I have got some experience of how the magistrates deal with picketing during strikes. In nine strikes out of ten, the magistrates have succeeded, legitimately or sometimes illegitimately, in putting down picketing; and I, therefore, feel that there was absolutely no reason why this clause should have been introduced as affecting the working classes of this country. Picketing means peaceful persuasion and I feel that this is a right which the working classes value as being necessary for the maintenance of their standards of life. There is no method by which the working classes of this country or of any country can maintain their standards of life and also better their standards of life, without, sometimes, refusing to work for their employers. To refuse to work unless the conditions are satisfactory is a right of every human being. That action is sometimes called a strike. I feel that on some occasions a strike is not only desirable, but extremely necessary if the interests of the working classes are to be protected; and if a strike is declared by a majority of members in an industry, is it not the duty of the majority to try to persuade the minority to join them in that strike? I feel it is not only the right of the majority of workers to persuade the minority to join them in their strike, but it is their clear duty to do so. By enacting this section against peaceful picketing or peaceful persuasion, I feel that the Government of India are putting themselves on the side of the employers. The justification given by the Honourable the Commerce Member and the Honourable the Home Member is that there is no such thing as peaceful picketing. I admit on certain occasions picketing leads to violence; but what justification has the Honourable the Home Member or the Commerce Member to say that violence is due to the action of the working classes? When the working classes resort to picketing, what do the employers do? The employers try to collect together, not *bonâ fide* workers, but rowdies in the town and send them into the factory with the object of either frightening the workers who are on strike or sometimes of deliberately creating violence. It is not, therefore, right to say that violence is due to the action of the working classes or the workers. If

picketing is to be prohibited because it leads to violence, not necessarily by the action of the workers, may I ask, Mr. President, why should not black-legging be made illegal? Unfortunately, black-legging is resorted to by the employers, and the Government of India, by passing this legislation, are anxious to place themselves on the side of the employers (*Cries of "Shame" from Congress Party Benches*)

Mr. President, the next section of this legislation with which I should like to deal very briefly is the section dealing with illegal organizations. It was said that this section is only a complementary section of another Act passed in 1908. Let me make it quite clear, Sir, that I am opposed to that Act also, and if I am opposed to the Act of 1908, I must oppose what is called a complementary or supplementary legislation to that Act. Freedom of association is another right greatly valued by the working classes.

Prof N. G. Ranga (Guntur *cum* Nellore Non-Muhammadan Rural) : And peasants also

Mr. N. M. Joshi : And, by passing this legislation, the Government of India is taking away that right. Mr. President, during last year, the Government of India declared certain labour organizations illegal. I do not know if the Government of India had inquired whether the majority of the members of these organizations were Communists. I am sure that the majority of the members of these organizations were not Communists. If there were any Communists in those organizations, their number was extremely small, and even if some members of these organizations were Communists, is it a sufficient ground to declare an organization illegal and to suppress it that a few of its members are Communists? I know that most of the organizations which were declared illegal were not engaged in doing any revolutionary work. They may have carried out a few strikes, but I am sure there is no evidence to show that they were engaged in revolutionary activities. I feel that legislation declaring organizations illegal will be very harmful to the interests of the working classes. It may be said that the Unions with which I am connected, or others who are of the same view as myself are connected, have not yet been declared illegal. But what guarantee is there that, when you have a law on the Statute-book which can declare almost any organization illegal, the organizations with which I am connected and the organizations with which my friends are connected will not be declared illegal next year or the year after that? Mr. President, I do not wish to deal any more with the details of this section.

I shall now say a word, Sir, about the sections dealing with propaganda. It was said that the section penalising re-publication of an article or a book which is proscribed or forfeited follows as a matter of logical sequence. I fail to understand how there is a logical sequence between the forfeiture of a book by Government by executive action and making the re-publication of that book a penal offence. The first act itself may be a wrong thing, the proscription of a book may be an unjust action, and, if that is so, the re-publication of that book cannot be made a penal offence. If there is a logical sequence at all, it can only be in the forfeiture of a book and the proscription of the re-published copies. But it is wrong by executive action to forfeit a book, and, then, when that book is re-published, consider it to be an offence. The original forfeiture may be a mistake unless that forfeiture was investigated and declared right by a judicial inquiry.

[Mr. N. M. Joshi.]

Mr. President, the Honourable Member, the District Magistrate of Midnapore, asked—do we want men of straw to own presses and papers? I do not know, Sir, what the financial position of the Honourable Member is. He may be a wealthy man, but I want to ask him whether the poor people, the common people of this country, have absolutely no right to express their views by means of a newspaper or to maintain a press in order to express their views? Why does he insist that the printing industry and the newspapers should always be in the hands of wealthy people? I was surprised, Sir, to hear that phrase “men of straw” from a District Magistrate. I had always felt, Mr President, that District Magistrates claimed to protect the poor people of this country. I never thought that a man, appointed specially to protect the poor people of this country, would have that contempt for the common people of this country. I shall not say anything more on that point.

Mr President, I do not wish to deal with the details of the section dealing with the press, but I would like to make one remark as regards the sections which are intended to put down any propaganda which discourages recruitment either to the military or to the police service. That clause will prohibit even mere propaganda on behalf of what I may call pacifism. There are men in this world who do not believe in wars or in the military forces. Have they no right at all to say that the Governments have no business to maintain an army for wars? If tomorrow I publish an article saying that the police in this country are not properly paid, and if some magistrate takes the view that my statement has discouraged recruitment to the police, I shall be liable for prosecution. I feel, Sir, that all these sections dealing with picketing, illegal organizations and the press restrict our freedom without any justification.

It was said, Mr President, that it is always better to prevent a wrong being done. I agree with the general principle that prevention is better than cure. The real difficulty in handing over powers to our magistrates and the authorities in general is the fact that we have no confidence in them. Our experience has shown that the preventive powers given to the magistrates in this country have not been properly used. They imagine dangers and risks where they do not exist.

I shall not detain the House by detailing many examples which have come in my experience, but I shall give a few. There was a strike in the province of Madras a few years ago. The backbone of the strike was broken, but some of the workers kept out of the factory, merely because they felt ashamed to join work after having gone on strike. My Honourable friend, Mr. Giri, and myself felt that it was wrong to allow these people to suffer. So, both of us together went to that place with the intention of telling those people to go to work immediately. I can swear on oath that I had no other intention. I persuaded the leaders of the men of the rightness of the course which I thought they should follow. The leaders asked me and Mr. Giri to address a meeting next day. The meeting was held, we went there but an order was served both on Mr. Giri and myself (*Cries of “Shame”* from the Congress Party Benches) that our speeches were likely to cause bloodshed. It is only one example. I will give you another, a more recent one.

Last year, there was a strike of textile workers in Bombay. That strike has been declared legal both by the Chief Presidency Magistrate of Bombay and the High Court of Bombay. During that strike, some

people took a leading part. The Government of Bombay, under the new emergency legislation, put in jail about 20 people, who were leading the strike, without trial. Mr President, I shall give the latest example that has happened. Between Poona and Bombay, there is a place called Ambernath where there is a match factory. Only a few months ago, there was a strike there, and, without any provocation on the part of the workers there, the magistrate issued an order that within some miles of the factory no meeting should be held and that not even a leaflet should be distributed. (*An Honourable Member* : "They have done it in Malabar also") In spite of these restrictions, the strike was settled by negotiation. After the strike was settled, a friend of mine, who is interested in the workers of that factory, issued a leaflet explaining to the workers the terms of the settlement. The magistrate hauled up that gentleman (*Cries of "Shame" from the Congress Party Benches*) and fined him Rs 200. With these experiences, Mr President, do you expect me to invest the magistrates with these preventive powers? (*Cries of "No, no" from the Congress Party Benches.*)

I shall say only a few words now as to whether this legislation is likely to serve the object for which it is intended. It is said that this legislation is intended to put down terrorism. Many speakers have spoken on this point at length, but I shall say only one thing. I feel that if terrorism can at all be put down, it can only be done with the co-operation of the common people of the province in which terrorism exists. Unfortunately, in our present political situation, co-operation from the common people cannot be expected. Secondly, if we consider the economic situation of the province, I hold very strongly that so long as the permanent zemindari system with all its ramifications of first degree, second degree, tenth degree of landlordism exists in Bengal, it will not be easy to reduce unemployment in that province.

I feel that if the communal hatred is to be wiped out from our country, it can be done so, not by negative means of legislation, but by positive and constructive efforts. So long as there is religious fanaticism in this country, so long as there is religious orthodoxy in this country, communal hatred will remain. Unfortunately, the greatest supporter of the religious orthodoxy in this country is the Government of India.

I have said, during the last Session of the Assembly, that I am not a Communist. I agree with a part of the philosophy which the Communists preach, but I do not believe in the dictatorship even of the proletariat. I do not also believe in the use of mass violence in which the Communists believe. Although I hold that constitutional agitation and parliamentary method will give me what I want, I equally feel that the Communists have a right to say that constitutional methods and parliamentary work may not lead us to the goal which we all want to reach. I feel, Mr President, that if Government are anxious that the people of this country should have a strong faith in constitutional agitation and parliamentary method, it will be wrong for Government to prevent discussion between the merits of constitutional agitation and Communism. If Communism is to be prohibited from this country on the ground that it preaches the use of violence, may I ask whether the Government of India have taken any steps to prohibit the entry of Fascist and Nazi ideas into this country? What is Nazism if it is not Communism in a different form?

Prof N. G. Ranga : Organised hooliganism.

Mr. N. M. Joshi : Why don't the Government of India prohibit Nazi ideas coming into India ? I feel that if Communism is not to be allowed into this country, that can happen only by two means. There must be perfect freedom of expression of views, and, secondly, constructive steps should be taken promptly and on a much vaster scale. I do not wish to deal with this point any further, but I should like to say that legislation of this kind which restricts our liberty hangs on our minds as a constant nightmare. It is all very well for people, who sit on my left and who themselves are the magistrates exercising authority to say that the law will be applied only to those who break it. The others have no fear. It is all very well for my friend, Mr. James, to say that the law will only be applied to those who break it. The law is not likely to be applied to any Europeans. If you will permit me a little exaggeration, I shall say, Mr. President, that if the Honourable gentleman from Midnapore or Mr. James commits a murder in broad daylight in this country, I am not sure whether any one of them will be hanged. Legislation of this kind frightens us. It hinders the free expression of our views. It prevents free action on our part. We must, therefore, continue to oppose such legislation.

Mr. President, before I close, may I say a word about what my Honourable friend, Mr. James, said yesterday. He said in England freedom is given, because the English people deserve freedom. The Honourable the Commerce Member said that the English people have a sense of humour. The English people may have a sense of humour, but may I ask him whether it is easy to develop that sense of humour under the conditions in which we live ? That sense of humour is developed in England, because in England there is freedom of speech, freedom of association and freedom of action. The English people maintain that sense of humour, because the British Parliament is supreme. The Englishman has a faith that, whatever he wants, he can achieve through his Parliament and through his platform and press. Indians have not got that faith. If our Government will create those conditions of confidence in the Government, if they will give us freedom, if they will give us self-government, I am quite sure, Indians will also develop a sense of humour. Unfortunately for us, when Britishers, who love freedom and self-government, leave their country for imperialist adventures which they try to ennoble by calling them imperialist responsibilities, they lose faith in freedom and self-government. May I suggest to them that, in order that they should be true to their traditions as Britishers, in order to be true to their history, as freedom-loving people, even when they go out to further their imperialistic responsibility, they should maintain their faith in freedom and in self-government. I hope, Sir, that the Government of India will withdraw this legislation, and, if they do not do it, I hope that this Legislative Assembly will throw it out.

Mr. Muhammad Yamin Khan (Agra Division - Muhammadan Rural) : Sir, in 1932, the Government of India brought forward a Bill which was intended to be a permanent legislation and those Honourable Members, who have seen the provisions of that Bill, as it was introduced in 1932, will find that it was somewhat different from the form in which it emerged out of the Select Committee. There was a suggestion that amendments to the Indian Penal Code should be made. This was objected to by the Members of the Assembly at that time. The idea of the Select Committee

was accepted by the Government, and this Bill was made for three years. I happened to be a member of the Select Committee, and the reason why we proposed three years at that time was that it was believed in 1932 that the Federal Assembly would be set up by 1934 and we thought that the present Government should have these powers and that the future Government also must have this for one year extra. We thought that the present Government should exercise this power up to 1934 when the new Constitution was coming in.

Mr. B. Das (Orissa Division Non-Muhammadan) : You thought, but not the Committee Mr. Gaya Prasad Singh and Mr. Azhar Ali walked out of the Committee.

Mr. Muhammad Yamin Khan : The Honourable Member has been long enough in the Assembly to know that I meant the majority of the body.

Mr. M. Asaf Ali (Delhi : General) You said " We ".

Mr. Muhammad Yamin Khan : I am saying " We " in the sense I said just now. It was considered desirable that the Act should remain in force for three years. Unfortunately, Federation has been postponed. We are now in 1935, and we have got no Federation yet. That might come after several years. We do not know how long afterwards it will come. Our chief idea at that time in making the life of the Bill three years was that the new Legislature must have freedom to deal with the laws as it thought fit in 1935. This is the real point. My Honourable friends, who were in the old Assembly, might remember the circumstances that existed in 1931 and 1932. We were having *hartals* every day. *Hartals* were the fashion of the day. People were forced to observe *hartals*. Volunteers forced people to observe *hartals* when they were not willing to do so, but this they did simply to please them. Whenever somebody was interned, there used to be a *hartal* in his honour almost every day. People coming from my province will bear me out when I say that *hartals* were forced by the volunteers. They were not the actions of the Congress leaders. They were the actions of the Congress volunteers and people who went in the name of the Congress volunteers. People were not allowed to have their own way, and, in my province, it was coming to be a source of great evil and annoyance to the poor shop-keepers, who were asked to close their shops, because they could not on this account earn their own livelihood. The poor *tongawallas*, for instance, were asked not to ply their *tongas*, simply because one man or another had been sent to jail ! For the sake of this and that person going to jail, poor *tongawallas* were asked not to ply their *tongas* and they had to leave their work ! Now, the poor *tongawalla* had to feed his horses and had to feed himself, his wife and his children. Where from could he do this, except by borrowing from the money-lenders whom he could never repay ? I know it for a fact that in several cases the *tongawallas* suffered so much that they had to part with their *tongas* and had to sell their horses in order to pay off debts. (Interruptions.) This was becoming the fashion of the day, and the blame, of course, did not lie with the leaders, but on the followers whom they could not control. And, why ? Once a spirit had been created, once an atmosphere had been created, everybody wanted to out-shine the other man and everybody was anxious to become the leader at that time, because, by showing that he had this spirit, this spirit of terrorising the people,

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he would be called a leader. This was in 1931 ; and I may remind Honourable Members—and here I am dealing only with picketing—when Bhagat Singh was executed, on that day, here, in the Assembly, my old friend, who is not here today unfortunately, and I do not know what has happened to him, Mr. Rangachariar, who was the Leader of the Opposition, walked out with his party from the Assembly, and he said that that action was taken as a demonstration and as a protest against the execution of Bhagat Singh. And, upon his walking out from the Assembly on that day, the press gave publicity to the news in bold letter head-lines saying that heroes were executed, and similar other things. The result was that everybody was asked in India to observe *hartal*. People in Cawnpore were asked to observe *hartal*. The Congress leaders and the Congress volunteers gave vent to their feelings also on the Muhammadan shops in Cawnpore and wanted to force the owners to close their shops. Now, those people naturally resented, and they said : “ we are not going to close our shops ”, but what the result was—Honourable Members know full well ! Thousands of people were butchered, thousands of people were killed, women and children....

Mr. M Asaf Ali : What ? Thousands ?

Mr. Muhammad Yamin Khan : Men and women died of burns as a result of houses being set on fire. This is the story of Cawnpore.

An Honourable Member : It is all wrong.

Mr. Muhammad Yamin Khan : Please do not interrupt me. Honourable Members ought to have the patience to hear what is unpleasant to them. (Hear, hear.) The fact is that whatever Cawnpore suffered from, it suffered on account of unrestricted picketing. (Hear, hear.) If picketing had not been resorted to in Cawnpore, the people there would not have suffered from all these evil effects from which the City has been suffering even today. And, Sir, we had not only such terrible things in Cawnpore, where thousands of people died as a result thereof, but the effect of that picketing is that even today there is strained feeling between Hindus and Muhammadans, and they are not carrying on their peaceful profession of trade and commerce as they did in the good, old days. The repercussions were found not only in Cawnpore, but we had also the Bombay riots, we had in Agra a communal riot, we had in Ajodhya a communal riot which came up after that, we had riots all over the provinces. And, then, the press took up the side of all these picketers and it painted all these people as heroes,—which, of course, they really were not. People excited each other, and there was communal antagonism, and all this was very undesirable. Sir, if people had any responsibility, if it was our desire to see that there should not be any communal tension, if people wanted that peaceful avocations should go on, if people wished that murders and riots and other disorders should not happen, if people desired that women and children should not thus be exposed to dangers and harm, the position would have been different. But the volunteers went on causing excitement, and there was grave disorder, and this was the state of affairs when this Act was enacted. There is another thing. Even up here, Honourable Members were stopped by picketing from entering the Legislative Assembly. Ladies came here and waited at the entrances and they wanted Members not to enter the Assembly Chamber.

Some of my Honourable friends once said that the letters " M. L. A " meant " a member of the lunatic asylum " ; well, they came to that lunatic asylum themselves, and those very people were forced to come and to sit here.

An Honourable Member : There are certain habituals.

Mr. Muhammad Yamin Khan : This was the state of things then, and that became the fashion, and, therefore, there was no other help. The volunteers continued to annoy the shopkeepers and others, and, of course, this could not be allowed to go on for ever, and it was all this which led to communal tension all over the country. Then, as regards the press, when Bhagat Singh threw a bomb in the Assembly Chamber, what did we learn from the press ? Was he condemned because the sanctity of this House had been violated ? The sanctity of this forum even was not observed. These people never thought that if a man wanted to kill the Members of the present Government, and if they were killed, there would be other people who would like to kill the Members of the future succeeding Governments ; that if a bomb is thrown into the Assembly on account of the fact that somebody does not agree with the present system of Government or with the deeds of the present Government, then he would have in future some other person who, because he does not agree with the then Government, might wish to throw bombs on the future Home Members. Now, that is what nobody can tolerate in any country. In my province, in fact in my own constituency in Aligarh, the Congress people came up and started the no-rent campaign, they wanted that no rent should be paid to zamindars, and much excitement was got up against the zamindars. And who was chosen as the target of the attack ? A most powerful and influential man, a great zamindar, Nawab Bahadur Sir Muhammad Muzammilullah Khan, who was for many years a Member of the Central Legislature ; he was chosen for attack, the programme was chalked out that his tenants should not pay any rent to him, and the whole attack was launched on one man and one man alone. The Congress did not choose any other person ; they did not like to excite the peasants of other people ; they chose only one man, Nawab Bahadur Sir Muhammad Muzammilullah Khan. His estate was the only place in the whole of the district of Aligarh where no-rent campaign was carried on. He is a powerful man, and he showed to the world that he could meet the situation very well.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhamadan Rural) : Did he not crush his tenants ?

Mr. Muhammad Yamin Khan : He has never tortured his tenants. His tenants love him like their father. He has saved his tenants from the hands of the money-lenders. He has never allowed any money-lender to enter into his estate, and that was the reason why he was chosen as a target. If my Honourable friend wants to know the real facts, I can tell him. It was after this no-rent campaign in his estate that when a zamindar in Allahabad went to collect his rent, he was victimised and for seven miles blood stains were found, and, out of the zamindar and his followers, only one man escaped to tell this story. Now, Sir, the point of my argument is this : What was the condition at that time and what is the condition now ? If we find peace in the country today, it is all due to this Act. If this Act had not come into force, all these things would not have been controlled. If the Act of 1932 had not been in force, we would not have been able to see the Congress Party decorating those Benches today.

[Mr. Muhammad Yamin Khan.]

It has created a good effect in another way. The Act of 1932 has brought the Honourable Members opposite to co-operate in the enactment of legislation of the country rather than be its critics from outside. Whatever their views may be, they have, by coming into this House, created some satisfaction in the country. When they remained outside the Legislatures, they were merely agitating the people and leading them to violence. By coming into this House, they have created a healthy influence at least so far as Civil Disobedience is concerned. If they had been following Civil Disobedience, they would not have been here. They have stopped it and that has created a healthy influence, and that is the direct result of this Act of 1932. I would like to hear from the Benches, which are decorated by my Honourable friends on the other side, to give me any concrete example to show that picketing in such and such cases did not end in violence. Also I would like to know what justification they have for that section of the press which excites one community against the other.

My friend, Mr. Abdul Matin Chaudhury, quoted the case of the *Comrade*, and I know why he quoted it, but does the case of the *Comrade* come under the purview of the present Bill with which we are dealing? It has nothing to do with this. Even the Act of 1932 is going to be modified by the Act of 1935, and we have got nothing there to fear a case like this. My friend, Mr. Abdul Matin Chaudhury, said that he was an apostle of the Hindu-Muslim unity, and I was glad to hear that remark, because there is no other person who is more anxious for this unity than I am. I am one of those who believe that the progress of the country depends upon the solution of the communal problem. Sir, this country cannot make any progress as long as we have got that communal tension. That had been the cause of our downfall, and that will be the cause of keeping us down in the future.

Now, Sir, what is the press going to be stopped from? The press is going to be stopped from promoting feelings of enmity or hatred between different classes of His Majesty's subjects. Sir, you cannot improve the conditions in the country unless you prevent the press from disseminating communal literature which is driving one community against the other. The first thing that the press should do is to learn how to settle down differences between various communities. The liberty of the press does not lie in this that we should give them licence to say anything whatever they like. My friend said that 61 Muslim papers had been suppressed and that the responsibility would lie on the shoulders of those Mussalman Members who would vote for this Bill. May I ask him one question? If he believes in the unity of the Mussalmans and the Hindus, why should he not believe in the unity of the different sections of Mussalmans themselves. If he believes that the Mussalmans must first set up their house in order, then he will find that most of the papers that have been suppressed were the papers which had been exciting one class against the other. He did not quote a single instance, but may I give him the illustration of a few papers? There is a paper called *Al-Najm* of Lucknow which published on the 1st June, 1934, very nasty articles against the Shias. It said that the number of Shias was only about 18,000 in the whole of Lucknow, and it excited the feelings of the Sunnis against them. Another edition of this very paper was published on the 25th of August, 1934, in which the editor wrote a very nasty article about a personality

which is held in the very highest respect by the Mussalmans. In fact, it is next to that of the prophet himself. I mean the personality of Hazrat Ali Karam-ullah-o-Wajho. This man said about him that he was licentious and he indulged in his lust. If a paper publishes an article of that kind, will my Honourable friend, Mr. Abdul Matin Chaudhury, ask any Mussalman to come forward and defend that paper simply because it was a Muslim organ? Probably my friend will not defend that paper at all

Mr. Muhammad Azhar Ali (Lucknow and Fyzabad Divisions : Muhanmadan Rural) : I refuse to believe that story.

Mr. Muhammad Yamin Khan : I have given the date of that paper. It was published on the 25th August, 1934. I do not think it is worth while to repeat those nasty words which he wrote. They are so bad.....

An Honourable Member : Is that communalism ?

Mr. Muhammad Yamin Khan : My Honourable friend understands
 1 P.M. by communalism that it is fight between Hindus and Muhammadans. That is not the case. Even a fight between Shias and Sunnis is also communalism.

There was another paper, called *Al-Naqid* of Cawnpore, which wrote on the 19th August, 1934, very nasty things about Hindus, and that tried to create ill-feeling between Hindus and Muslims. That paper wrote a very nasty article about Hindu women—all those nasty things are not worth mentioning in this House, and so I will not repeat them. That paper wrote about Hindu ladies and young boys coming within the provisions of the Sarda Act, and, in this way, that article incited hatred between Hindus and Muslims. Well, will my Honourable friend, standing up as the apostle of Hindu-Muslim unity, say that that paper should be allowed to continue its nefarious action of inciting hatred between the two communities? I say that such a paper is a great harm to the community, and that it is a disgrace to the Muslim community.

Then, there was another paper at Patna which wrote on the 23rd May, 1935, with reference to two Honourable Members of this House. It asked, whether there was no Muhammad Amin? My Honourable friends must know what it meant. Muhammad Amin was the man who killed Rajpal. This paper wanted that another Muhammad Amin should come up to deal with those two Honourable Members of the Assembly.

An Honourable Member : Probably you are that "Muhammad Amin", who wanted to incite people

Mr. Muhammad Yamin Khan : Certainly I would have condemned it, if any paper asked that my Honourable friends Mr. Fuzul Huq or Maulana Shaukat Ali should be murdered. My Honourable friends seem to think that if a paper wrote like that, it was not exciting people to murder. This happened not in 1934, but in 1935. This article was written in May, 1935. Then, that paper was very rightly suppressed in Patna. My Honourable friends will perhaps say that it was not justifiable. If more examples are wanted, I can easily quote. There are hundreds of such instances which I kept in my file, but unfortunately I burnt them all last year. There may be persons who agree with my views and there may be other persons who might disagree with me. My religion teaches :

"*Lakum dinakum wale yadin.*"

"You are pleased with what you believe to be right, and I am pleased with what I believe to be right."

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This is the principle which my religion preaches. That is what my Prophet has taught me. You must leave me alone. I do not want to interfere with what other people believe to be right. I do not want that another man should be killed, simply because he disagrees with me. That may be the philosophy of other people, but that is not mine. That is not my phase. No two human beings are similar. My Prophet teaches me that I should not interfere with other men's ideas.

Now, coming to the liberty of the press, I say liberty is quite different from license. My Prophet teaches that you are at liberty to do whatever you like, provided that does not interfere with the inherent rights of others. You are at liberty to go and earn by hard work, but you are not at liberty to go and steal. Islamic law says that if a man steals, his hands should be cut off. So, this kind of license, namely, stealing is not allowed. He is to be stopped from stealing. If stealing is permitted, it would mean that you are abusing the principle of liberty. It is license which must be discriminated from liberty.

Mr. Muhammad Azhar Ali : Where have you read all these ?

Mr. Muhammad Yamin Khan : My Honourable friend will not read any book and he does not know anything. So it is no use to cure the incorrigible man. The point is, whether circumstances are such that we should allow the press to incite hatred among the different communities and different sections of Muslims. We should not give this power to the press, rather we should control the press from doing such mischief. However laudable an object it may be to have a free press, it should not be allowed to create ill-feeling between the Hindus and Muslims. At the present moment, the two communities are going to settle down to work the new Constitution. We have had bad times, and, in the interest of the future of India's progress, we should come to an amicable understanding and live like brothers. The only object of this Bill is to create peace and not allow the press to create dissension. Why should any press, which will confine its activities to legitimate proportions, be afraid of this measure ? The saner sections of the press need not be afraid of this measure. I read in the *National Call* the other day some story written by one of its correspondents which tends to create ill-feeling between Sikhs and Muslims. This is what the *National Call* says about the Meerut dispute :

“ Meanwhile some mischief mongers spread a false rumour to the effect that the local Sikhs were bent upon demolishing the mosque close to the proposed site and that they had actually demolished a portion of a wall. This led the Muhammadans to visit the said mosque in groups of hundreds and thousands crying different slogans and alarming the public peace with the approach of Hindu-Muslim riots. It is said that about 10 to 15,000 Muslims gathered at the said mosque and the authorities and the Hindu public, what to say of the Sikhs had a very hard time for the whole night between September 1 and September 2, 1935. As a matter of fact, the Sikhs only learnt of it at about 9 P.M. on 1st September when they were holding their usual weekly meeting in the Gurdwara. Not a single Sikh ever visited the place of the site of the mosque in question and the allegations made against them were entirely baseless and false.”

Now, the next sentence is very pertinent :

“ The Sikhs resent it and look upon this misguided action of the Muhammadans with utmost abhorrence. The Sikhs of Meerut have all along been most loyal to the Government and friendly to their sister communities and would be pleased if the authorities would kindly take some legal action against the mischief mongers and request

the saner elements amongst the Muhammadans to kindly publicly deplore the action of their fellow-brethren who are responsible for injuring the feelings of the Sikhs as a whole."

Well, Sir, I come from Meerut. I never heard anything about the supposed demolition of mosque. There is the Cantonment next door to my house. The place is not even a furlong from my house, and I never heard about this incident until I saw it published in the newspapers. From reading the report in the newspapers, one would have come to the conclusion that the Muhammadans gathered there in such large numbers simply to bring about a riot and that the Sikhs as a whole resented this. When I approached my Sikh friends in this House, they said they never heard about this incident at all. How could they have heard of it when such a thing did not take place at all? This appeared only in the columns of the *National Call* and nowhere else. So I say that this kind of writing should be stopped and should not be allowed to go on, because it creates such bad blood, that Muslim constituents will not return those Muslim Members again if they have anything to do with the Hindus and the same will be the case with Hindu Members. We have to mould the future destiny of India, and those people who are the cause of dividing us should be put under control. I have very often seen reports in the press that a Muslim *goonda* has outraged a Hindu lady or a Hindu has outraged a Muslim. Why should not the name be published? Why should you publish it as "a Muslim" or "a Hindu"? The effect that is created in the minds of ignorant people is to excite them. For the sake of our country and for the future of our country, we should rise to the occasion and put down these people and curb them. The Government of India Act has come, and we must settle down. In the town of Meerut, we Muslims have lived always on terms of friendship with the Hindus and have enjoyed their confidence, and year after year they have elected members of my family as Chairman of the Municipal Board. And, now, it is very deplorable that bad blood is sought to be created between us there.

I admit, of course, that the press should not be badly treated and should have full liberty to criticise, and, in 1932, it was enacted that criticism of measures of Government with a view to obtaining their alteration by lawful means, without exciting or attempting to excite hatred, contempt and disaffection, shall not be penalised. What is intended in the present Bill is to take off all the sections except section 16 and section 7 which deal with crimes; the others deal with the procedure. Our anxiety in 1932 was that the measure should not be permanent, and we succeeded. The same is our anxiety today; and the present Government should not bind the Government of the future. But that can be achieved only by taking the Bill into consideration. As the Bill stands, it is for permanency, and if it is not taken into consideration, no amendments are possible, and Government will be forced to have recourse to the extraordinary measure of certification. I honestly and sincerely believe that this Bill is necessary, though it may be in a modified form, until the future Government comes into being. Up to that time, picketing should not be allowed, because it takes away the liberty of the people, and the press also should not be allowed unbridled license to preach communal hatred and disaffection among different classes. But if the House fails to take it into consideration and to amend it as it likes, Government will, in my opinion, be justified in having resort to extraordinary powers. It is for the Honourable Members to join hands and carry out amendments

[Mr. Muhammad Yamin Khan.]

according to their desire, rather than force the hands of Government to put the Bill, as introduced, permanently on the Statute book. Sir, I support the motion for consideration.

[At this stage, Mr. President (The Honourable Sir Abdur Rahim) vacated the Chair, which was then occupied by Mr. Deputy President (Mr. Akhil Chandra Datta).]

Maulana Shaukat Ali (Cities of the United Provinces : Muhammadan Urban) : Sir, I was very anxious to intervene immediately after the Home Member had spoken, so that the House and the country might have been spared the flood of eloquence on both sides, rather of a stormy character. I know what eloquence means and what it can do. Before I go further, I may mention one incident. It is my duty, as an humble peacemaker, to take kicks from both sides of the House. However, I was very grateful that this Government made a small gesture in the right direction when they released my friend, Pandit Jawahar Lal Nehru. He is a gentleman by instinct, by education and by family traditions ; and the Government may perfectly rest assured that he will never take undue advantage of any little gesture in his favour and I hope that all Honourable Members will agree with me in praying that his sweet wife and revered mother may be spared to him for many many years.

I heard the speech of the Honourable the Home Member very patiently. Personally I like him, and I have always received consideration and courtesy from him. He pieced together a number of things to make a case against what you may call the revolutionaries and terrorists or those advanced people who want to see a free India. As one who has experienced internment, has suffered imprisonment, and also has suffered under Regulation III of 1818, I can also make a case against this Government. If I was to relate all that happened to me and to my brother, Mohammed Ali and to our family, and if I piece together every little bit, every wrong done to us, every insult offered to us and our faith, every discomfort that we went through, then, I assure you, Sir, there will be a file ever so much bigger than the record which the Honourable the Home Member produced before us, but I do not want to do it. I am not here for that purpose. If I wanted to create fresh records of grievances against the Government, I could do it if this sort of thing is allowed to go on. And I assure the Honourable the Home Member that by the course you are taking and the kind of speeches you have made and are making, you have already created at least half a million of Indian youths who will be revolutionaries in the near future. The truth must be told to you. You have already done a great deal of harm to the British connection with India—I mean the Government and their supporters,—by their speeches and actions, have done more harm to the British connection, and I assure you, Sir, that the speech of the Honourable the Home Member will be read with glee and great pleasure by the die-hards in England who do not want that Indians should get rights to control their own affairs. He has done a great disservice to India whose salt he has been eating. As regards my friend, the Collector from Midnapore (Mr. Griffiths), I may say this. I am a fighter myself and I liked his fine fighting speech : and though he may appear a Bantam or a Featherweight, he has got self-assurance enough to take on a Primo Carnera, the heaviest giant, and fight him. I admire a man like that. His speech was a fighting speech, and I enjoyed it. I only hope that when these new elections take place in

Bengal, and when I and men like myself go to Bengal and Midnapore and want to make speeches there. so that pliant and weak Muslims may not be elected, he may, if he wants, send for us and argue with us and convince us with his speeches but would not ban our entry under section 144 or lock us up.

I expected something better from my friend, Mr. James His speech was a mighty sermon : it was very interesting but, all the time he was speaking, he seemed to be under the impression that Mr. Aney and my own humble self and Mr. Lalchand Navalrai and Sardar Sant Singh—all communalists—would appreciate the pearls of wisdom he was scattering. The lecture was really meant for us. Before he spoke, I wanted to intervene again and to beg the Honourable the Home Member on my bended knees, saying, "For God's sake, withdraw this Bill. It is not wanted. By this withdrawal, you will bring in better feeling and you would do a great service to your Empire". Sir, the Government had tried these methods of repression before, and with what result? During the last Great War, the people of India bled white for England and fought all over the world for England and saved the Empire. We were told in 1917 that we were fighting this war for self-determination and we expected self-government would come immediately after. Instead of that, we got the Rowlatt Act. Sikhs, Muslims and Hindus of the Punjab went and fought for the Empire : but, under the Defence of India Act, Muslims, Hindus, Sikhs, without any distinction, which really meant that all who had fought in the war, were made to crawl on their "tummies" simply because an English woman was insulted ; and for that one insult, hundreds and thousands of Indians were insulted and punished. I do not mind the punishment, but every Indian, who had to go out of that lane, had to crawl on his "tummy", and there was no Sikh or Muslim or Hindu—and Sikhs are great Bahadurs, Muslims are great Bahadurs and Hindus are big Bahadurs today—who would have said "No, I will not crawl on my tummy" : I have legs to walk on. Do what you like". With all those things in my mind, Sir, I went to the highest English official in this country, and he told me : "Yes—Dyer and O'Dwyer did let us down badly". Please do not repeat that mistake.

I say, how, in spite of repressive laws, you have ten times more revolutionaries in this country than there were in 1920. Do you think you can stop the rising feeling of resentment by these Acts? Let me tell you this, Sir. People were made to crawl on their "tummies" : poets had to write verses with their noses on the ground ; *Sadhus* were white-washed with lime, and all sorts of wonderful things were done. Mr. Bosworth Smith would go and insult women in Sheikhupura District saying "You are now in *purdah* . why did you not look after your men and tell them they should not stand up against the *sirkar* : I will remove now your veil with my stick, but my policemen will come, and lift your skirts." These things happened. Every day, in spite such laws, the country is getting worse and worse. I have been imprisoned and know jail life. I do not know if my friend, the Collector of Midnapore, has seen imprisonment. I would like every official, especially in the Indian Civil Service, after he had passed his departmental examinations to be locked up like any ordinary prisoner for three months. (Laughter.) His clothes should be the same, his food should be the same, and he must be given ten stripes on his bare back ; and he will then understand what these laws mean to us. If the Honourable the Home Member wants at any time to introduce real, humane reforms in jails, I would be only too glad to offer

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him my humble services. There is a class of prisoners, Sir, who are called "*Dohalias*"—habituals—I do not know what they are called in Bengal : they have two blue stripes on their clothings instead of one for ordinary convicts, who have one blue stripe and one white. I assure you, Sir, there is nobody more flattered, more feared and more pampered in the jail by all the jail officials than these hardened habitual criminals. When I was a prisoner in Karachi, my Superintendent told me the story of a man called Razaack whom I had the pleasure of meeting later when I was in the jail office to consult my lawyers during the Karachi trial. This man was dressed in gunny bags,—a kind of jail punishment. He would not look at anybody, but would abuse every jail official. When he saw me and learnt who I was, he salamed me. The Superintendent told me a story about him: for disobedience of orders he was given 30 stripes: the procedure being that he was made stark naked, stripped of every inch of clothing and tied on a wooden triangle. A white cloth saturated with some kind of medicine—Dr. Deshmukh will be able to say what it was—was put on his bare buttocks, and he was given 30 stripes : these stripes were not ordinary : at the fourth stroke, they brought blood : he clenched his teeth and then received the remaining stripes without a cry : and when he had received them, he turned round to the Superintendent and before all said : " You have given me thirty stripes on the back : now give me thirty stripes in front ", and the whole jail was resounding with praises for this jail hero. So much for these wicked punishments. Now, Sir, are you wanting the whole country and every youth of India, Muslim, Sikh or Hindu, to say : " You have given us so many stripes on the back : give us as many more on the front ? Do you want them to become '*Dohalias*' or habitual breakers of Law " ? It would be unwise and wrong.

Mr. Deputy President (Mr. Akhil Chandra Datta) : Is the Honourable Member going to be very long ?

Maulana Shaukat Ali : I shall not be very long ; I shall take only ten minutes more.

Several Honourable Members : After lunch

Mr. Deputy President (Mr. Akhil Chandra Datta) : The Honourable Member can go on.

Maulana Shaukat Ali : Thank you, Sir. I am very sorry I have to detain the House, without lunch, but I shall not be very long. I beg on my knees the Honourable the Home Member to withdraw this Bill. I would beg of them even at this late stage to withdraw this Bill and save the poor people of this country and themselves from a great deal of trouble. If this Bill is sent to H. E. the Viceroy, I hope he will refuse to certify it. Sir, he is going away in a few months, and, after so many years' service to India, I do not think he will give this disagreeable parting gift to this country by certifying a measure of this character. If Government do not pay heed to our prayers and entreaties to withdraw this Bill, then the responsibility will be theirs ; they will lose many well-wishers. In this connection, Sir, I am reminded of a story, my brother, Mahomed Ali, told me when the Press Act of 1908 was passed. He thought it was meant only for the Bengalis, the Tilakites and Marathas and for others, but not for Muslims who were

loyal and contented. But what happened? The very first man who was caught by this Act was Mahomed Ali himself and his paper, the *Comrade*. (Laughter.) What for? For publishing a quotation from the Bible "Come into Macedonia and help us", taken from an Englishman's pamphlet in favour of the Turks. The case went up before Chief Justice Sir Lawrence Jenkins, and he said: "Mr. Mahomed Ali, I cannot give you back your papers, but I give you back your honour". The Press Law is such that even quotations from the Bible and the Holy Koran, made in connection with humanitarian causes, come within its arm. (*Cries of "Shame" from the Congress Party Benches*). I was reading yesterday a weekly, *Old Aligharian*,—I am very sorry I have not got it here. It gave in full an old article from the *Comrade*, written by my brother himself in 1911. Mahomed Ali sent an appeal to every Muslim to start to collect a fund to found the King George Muslim University. I was then that abject being called a Government servant. He induced me to take long leave and made me go round as Secretary to H. H. the Aga Khan to beg Muslims to make contribution for the Muslim University to be named after King George. My friend, Mr. Asaf Ali, asked me not to mention too often that I have been a "rebel and an outlaw", but I cannot help mentioning it, because I want to be frank; because I want that a real effort should be made to bring about an honourable understanding. If you want to quarrel, you can go on quarrelling, but what will happen to India and what would you gain?

The Home Member and the Government, front Benchers, have got devoted, if not wise, supporters. If it is desired that women and children of the independent tribes should not be bombed, somebody from that side and from the Frontier will get up and say that the people in the Frontier only needed and appreciated bombing and so there must be bombing; if the Government say that a repressive Press Act is not necessary, somebody behind them and a press man too will urge and impress on the Government to deal it with a strong hand. I was expecting my friend, Mr. Yamin Khan, to speak after me, and to tear me to pieces, but I am very glad he spoke before me, and I am now able to give him an answer. Sir, they have tried all kinds of repressive laws, but that method has not improved conditions in the country. My brother used to tell me a story. It appears that, one night, in Piccadilly, a gay old dandy, well dressed in immaculate clothes, with a monocle and a gold headed cane and having dined well at his club with a couple of champagne bottles inside him, saw a salvation army preacher in his red uniform who was shouting. "Friends, come and get salvation, I will show you the road to salvation, I will guide you along the proper path". This club man went up to him, put on his monocle and drawled out: "My friend, do you know the road to salvation?" "Yes, I do" was the reply. "How do you know it?" "I have been on this road to salvation for 40 years" was the reply. Then, said he: "My friend, if after being for 40 years on this road of salvation, you have reached only as far as Piccadilly, then I will advise you to try another road". (Laughter.)

Then, Sir, I have one thing more to say. It is an incident from Islamic history. Every lawyer in the House knows the name of Imam Ahmmad Bin Hambal, one of the four jurists, who have done so much for Islamic Law. Imam Hambal, after each prayer, used to pray in fervent language for the rest of the soul of one Abu Hozema. His son one day asked

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him who this man was ? He must have been a great saint ? The Imam replied : " No ; he was the greatest blackguard in the whole of Iraq, he was a thief, a robber and a murderer, but he did me a yeomen service for which I will always be grateful ". And, here, I want to refer to what my friend, Mr. Yamin Khan, said : Does he not remember the Karachi State trial where Mahomed Ali, Maulana Hosain Ahmad, Mufti Nisar Ahmad, Pir Gholam Mojaddin, Dr. Kitchlew and myself were tried for preaching this commandment of the Holy Koran :

" Wa man Yaqtool Momenan Motaammadan, fa jazaho Jehannamo ", etc.

" If one Moslem intentionally killed another Moslem, then, his punishment was Jehannam, etc."

Mr. Muhammad Yamin Khan : What is the punishment to one who excites one Mussalman to kill another ?

Maulana Shaukat Ali : I am not excited even by the interruption of my friend, Mr Yamin Khan. No one has excited any Muslim against him. He has not been killed. (Laughter.) As I was saying, Sir, the great jurist informed his son that there was time when in a point of law I differed from the Ulema who surrounded the Khalif Mamurrasheed and they said :

" This man is spoiling the morals and the faith of the Muslims, he ought to get 100 stripes in the public market."

I was then escorted by thousands of police, in glittering uniforms, meant to browbeat, and the thousands and thousands of people who loved and respected me and they could not do anything but cry bitterly at the sight of my humiliation and shame I was also very nervous and feeling weak. Just then, one man rushed through the crowd and came to me and said, " I am Abu Hozema ; I have this day come out of the prison, I am 45 years old ; 25 years I have passed in prison, I have had 24,000 lashes on my bare back ; and before I left the prison, I took an oath that this very day I will commit robbery. If 24,000 lashes and 25 years' imprisonment have not stopped me from doing the devil's work, will these 100 lashes stop you from doing God's work ?

I got new courage and knew that he was sent by God to warn me and give me courage, " That is why I pray for him ". Sir, I have suffered much, I have been a prisoner. When I came here, I thought I was the only man in the House who had spent a long time in jail, but I saw that my friend, Mr. Amarendra Nath Chattopadhyaya, surpassed me. He told me he had a bigger jail record than I had. Sir, all my speeches in this House are in print. I was trying hard to make an honourable peace with the Government. If there is honourable peace between India and England, I would welcome it. After the Government Members had refused to institute an official enquiry in spite of the decision of this House, then the Assembly and Council of State Muslim Members appointed a non-official commission to enquire into the Karachi firing. We wanted an impartial non-official inquiry. Some of us wanted to go there and find out the causes of the rioting there ; we merely wanted to investigate and find out whether really Muslims were at fault, whether they could have avoided the trouble, whether there was any justification for shooting, and that what steps should be taken to prevent a recurrence of such trouble. In fact, we wanted to find out the

real cause of the trouble. The result was that the Bombay Government banned this and served notice on me, saying that I was doing acts prejudicial to public peace. The Honourable the Home Member was very angry with Pandit Krishna Kant Malaviya and said : " You want to sympathise with murderers ? " Sir, I tell you frankly, there is no Mussalman who does not sincerely believe that 69 Muslims were murdered in Karachi. They would be justified to say, " I cannot co-operate with the Government, because they want to hide and condone official murderers ". We wanted to enquire into the actual facts of the firing and suggest how to deal with such situations in future, but we were not allowed to go. Though I was a non-co-operator and a " rebel and an outlaw ", yet never was any security demanded from the *Khulafat* newspaper, of which I am the Editor and no " dummy Editor " too, but, after this incident, the Government showed their displeasure by demanding a security of Rs. 3,000. I did not want to kill any body, I have not killed even a cat, and I make no personal grievance of this action of the Government. I would advise Government to withdraw this Bill and conciliate people, but, if they won't heed that advice, well, everything is in the hands of God and they alone would be responsible as to what happened. (Applause.)

The Assembly then adjourned for Lunch till Five Minutes to Three of the Clock

The Assembly re-assembled after Lunch at Five Minutes to Three of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

Mr. M S Aney (Berar Representative) . Sir, I have to thank you for permitting me to intervene in this debate and make a few observations on the motion before the House. I shall be very brief. Not that I have not much to say, but I think that the motion has been debated at considerable length and from all points of view.

The motion before the House is for the consideration of the Bill to amend the Criminal Law Amendment Act. The motion evidently is intended to bring permanently on the Statute-book a law which has been detested and condemned all along from the time of its inception to the present day. I have not heard anybody, not now but since the time when the Act came into being, saying a good word for this, but it was then justified on grounds of emergency and so on. We thought the word " emergency " always meant some temporary aberration when normal conditions are not in existence, and when normal conditions are not in existence, probably such penal legislation may be justified. We were not here. Nor were we free outside to express our opinion on the basic principles of this legislation that was brought forward for the consideration of the House then, but I am prepared to admit this fact that the conditions in the country at the time when this legislation was brought forward were abnormal and probably that could be construed as an emergency for the Government to take these extraordinary powers. The real point is this. I thought that the present Executive Council had sufficient common sense in itself to appreciate the present position. What the Government has to see is whether there is any such thing as an emergency now to justify this extraordinary legislation at all. It is admitted that the emergency which existed in the year 1932 does not exist today. That fact is tacitly

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conceded by the Honourable Member in charge of this Bill. He has made that statement in the Statement of Objects and Reasons and he also claims that he has taken that fact into consideration. He has also conceded that the conditions which existed when this temporary legislation was brought into force do not exist today, and, therefore, the present Bill which he has brought forward is not exactly a renewal of the old Act but it is an attenuated form of that Act. Certain provisions are repealed and certain provisions are retained. He says that sections 2, 3, 4, 6 and 8 have been repealed. Some other provisions which are more or less of a procedural nature are also repealed because they related mainly to conditions which were a special feature of the Civil Disobedience Movement against which the first law was directed. I do not know whether the Honourable Member in charge of the Bill has really studied the conditions under which the Civil Disobedience Movement itself was run and whether he is aware that the conditions under which the Civil Disobedience Movement was run had anything to do with the clauses which he is now repealing. Clauses 2, 3, 4, 6 and 8 relate to certain conditions which no doubt are within the scope of what is known as a complete non-co-operation programme that was published in 1920 and which contained many things including the making of efforts to stop the enrolment to the army. I admit that fact, but the Civil Disobedience Movement of 1930 was run on special conditions which were laid down. It was for the breach of certain specific laws and for preventing the sales of foreign cloth and similar activity. It had nothing to do with dissuading people from joining the army. That was not the programme of the Civil Disobedience Movement of 1930 and you will find that the boycott of public servants or dissuading people from joining the army and the police had nothing to do with the Civil Disobedience Movement which we ran in 1930 and which continued up to the year 1933. All those sections which related to this were practically obsolete during the very period for which the law was intended. I do not think there was any occasion for the Government of India or for any Provincial Government to make use of any one of those sections which are now being omitted. They were obsolete even then. In drafting the Bill then, they probably took the copy of the programme which was described as the non-co-operation programme, found out what it contained and those provisions have been inserted in the form of several clauses of the Bill. But in doing so they did not only provide against the emergency that actually then existed but an emergency, which they imagined, might arise and develop out of the Civil Disobedience Movement. It never took that form and those provisions were never used and so they were obsolete. And the provisions which were even then exclusively intended for the suppression of the Civil Disobedience Movement have been retained in the present Bill also and, therefore, I do not want to give credit to the Honourable Member in charge of the Bill that he has taken note of the fact that the Civil Disobedience Movement is in abeyance and, therefore, certain provisions have been repealed, and only such provisions have been retained as have got nothing to do with the Civil Disobedience Movement. That is a wrong statement of fact in my opinion.

Now, I want to know what was the justification for this measure ?

3 P.M. Who required these powers. In a big speech and a very good speech, the Honourable Member in charge of the Bill has made out his case in support of this motion. He has stated

that in 1932 various Provincial Governments expressed the urgent need of having some such extraordinary powers. He has quoted extensive extracts from the reports made by the Government of the Punjab and also by the Government of Bengal in 1932. But I am surprised to find that he has not quoted the opinions of any single Provincial Government urgently asking the Government of India to retain this law, so far as the present Bill is concerned, permanently on the Statute-book in one form or another. There must have been many Provincial Governments, I imagine, who would have said, perhaps, that as no such conditions exist today as they had existed previously, the continuance of these provisions was not called for, perhaps in their entirety, as a permanent measure. Then I would like to take up the third point in this connection, namely, this. This law is justified by him on the existence of certain conditions today,—that, though the Civil Disobedience Movement is in abeyance, according to him, he wanted to counteract certain other forces, such as Communism, communalism, terrorism, and so on. Well, Sir, I would like to say one thing, that I am perfectly sure that the sources which bring about Communism or even communalism are of a nature altogether different from the one which a Bill like this will ever be able to counteract. My Honourable friends have already successfully shown how and why and under what conditions these Communists can grow and become numerous in this country. And what are the reasons? Sir, unless the Government is prepared to analyse and find out the root causes and try to uproot those root causes, it will be difficult for them to combat Communism or any other “ism”. Sir, so long as the root cause remains, I say all these are and will prove to be but superficial remedies. They may give ample powers to create an undesirable situation, a reign of terror in this country, but below that reign of terror, Sir, Communism, I say, or even communalism will grow and be fostered. And you ignore that! If the executive creates a reign of terror in this country by the indiscriminate use of the extraordinary powers, as they have been doing, I am sure, they are creating the very conditions under which the disruptive forces like Communism and terrorism can thrive and prosper. (Hear, hear.) This is no cure for the remedy. On the other hand, it may aggravate the disease in such a manner that you will be bound to regard it as hopeless and beyond the scope of any remedy soon afterwards. Wait and see.

Sir, one of the reasons which the Honourable the Home Member has given to make this Bill permanent is a psychological one. He has said that one reason why they want to make the Bill a permanent one is that temporary measures are likely to create a feeling in the minds of those who dabble in these movements that very soon the restraints will be over and they are thus likely to cherish the hope that some day or other they may be enabled again to resume their reactionary activities. Sir, here I believe he has not correctly understood the psychology of these terrorists. Sir the terrorists and for the matter of that even the civil resisters are not like ordinary people; they are men who are made of sterner stuff than what my Honourable friend imagines. They have developed within themselves a certain mentality which has grown on account of certain forces that exist in this country. The point is this. Unless you give a fair chance to these persons—who are either law-breakers or terrorists or revolutionaries to engage in pursuits where they can utilize their talents

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honourably and usefully and in which their desire for public service can be gratified, unless some such opportunities are created for them, no change of heart in them can be possible. I am sure my Honourable friend, in seeking to make this law permanent and to deprive the press of the opportunities under which they cherish the hope of carrying on their propaganda, is going to defeat his own professed object, if he really wants to bring about a change of heart in these young men. I want the Government to understand that they have to create the conditions under which these young men will be engaged in a more honourable way and in which their natural desire for public service will be gratified. So long as you do not create proper avenues and channels for them, and so long as you treat them merely as suspects in this land, so long as you continue to harass them like that, I say, Sir, terrorism, instead of being crushed, will be driven underground. This is the very position which you are creating. Sir, this is all that my Honourable friend, Pandit Krishna Kant Malaviya, was trying in his speech the other day to explain to this House. He did not want to express his sympathy with murders. That is quite a wrong impression. What he wanted was this, that, if you want to deal with these terrorists, these misguided youths, then open your hearts frankly to respectable citizens in this country in whom they can trust, let there be a sincere understanding between the leaders in this country and the officials ; there is no possibility of really tackling this problem effectively in any other way. My Honourable friend, Mr. James, who is always cautious in making his observations, missed the real purpose of the observations which my Honourable friend, Pandit Krishna Kant Malaviya, had to make on that point. This is all that he said. (Hear, hear)

Sir, there was another point made by my Honourable friend, Pandit Govind Ballabh Pant, namely, where is the need of this law if you find that, after having these powers for so many years, the object of the previous legislation has not been served ; and then what is the use of having a fresh law ? Sir, the Honourable Member for Commerce, in his own way, tried to give a bit of an ingenious reply. He is a good lawyer, there is no question about that, but it was a special pleading ; he looked to me like a lawyer arguing and advocating a hopeless cause for which he was briefed. It looked to me like this. He said, in all seriousness, well, if because of this law or in spite of this law, terrorism or such like things are not stifled, but on the other hand have been growing, if that is the reason advanced by you for the repeal of this law, well, why then don't you do away with the Indian Penal Code and the Criminal Procedure Code ? Sir, that was the serious observation made by my Honourable friend, the Member in charge of the portfolio of Commerce. Sir, the Indian Penal Code and the Criminal Procedure Code are Acts which have nothing to do with the detection of crime. Figures were quoted to show that so many thousands of murders were committed and so few were detected, but what has the Indian Penal Code or the Criminal Procedure Code got to do with detection ? If there is anybody who is to be blamed for that, it is the staff in charge of this work of detection. Sir, my Honourable friend should have understood the importance of the insinuation, the indictment that was contained in the statement made by my Honourable friend, Mr. Asaf Ali, and he failed to perceive the gravity of

the observation that was made that the Government allowed so many thousands of murders to go undetected. Serious offences like that go on undetected and it is a charge against the Governmental agency and not against the Indian Penal Code or the Criminal Procedure Code. The Honourable the Commerce Member should have certainly seen that point very clearly. Sir, what I want to say is this that there is no need for a law like this. The reason why I do not want to have this law is that it will defeat its own object and I have said this so often. Government should see whether by pursuing a policy of this nature they are likely to reconcile public opinion and to help to establish those conditions under which peaceful progress of this country can be ensured.

Now, what are you doing ? The most powerful party in the country has come and sat in this House and conditions under which certain emergency measures were passed have undoubtedly disappeared. What is your reply to the change of programme which the most powerful party in the country has deliberately made ? It is made with a view to see the *bona fides* of your professions which you have made times without number on the floor of this House that if certain conditions are created, Government will be willing to co-operate and withdraw all repression. Now, members of the Congress have come here and are prepared to offer their hand of co-operation and are ready to give you every kind of help in establishing conditions for the peaceful progress of this country. But if you continue to ask for measures like this, you will be creating obstacles in their way and making their co-operation with you absolutely impossible. Is this a statesmanlike attitude to take ? I must tell you that you are doing this in defiance of public opinion and that is a point which you must take into consideration. During the last Budget Session I had the privilege of moving a cut motion to protest against this repressive policy and that motion was carried by an overwhelming majority of this House. That motion said that all persons who have been detained in jails under these repressive laws should be set at liberty and all repressive measures that have been in existence should be withdrawn. The House recorded a clear and unequivocal verdict on that motion. Now, what is the way in which you have been treating that verdict ? You say that, though it was the verdict of this House, you must proceed in your own way because you are responsible for the peace and order of this country. And you feel in your supreme wisdom that the conditions of this country require that one more reactionary weapon be added to your armoury. Sir, the Statute-book of this Government is already blackened by the existence of so many repressive laws and I am sure the addition of this law will make it almost abominable if you keep it permanently.

Sir, when I got up to make my speech, I made up my mind to confine my remarks to a few points only and I also agreed to take up only a short time of the House. I want to keep to my promise and if you, Sir, think that I have exceeded that limit, you are at liberty to point that fact to me and I shall sit down. Now, Sir, it is said that this measure is not only for the benefit of all of us today but it will make the position of those who will be in charge of this Government later more safe and secure. Sir, we know what that Government will be under the new Government of India Act. I am sure no man will shed a tear if that Act is altogether dropped today. I have to

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make one suggestion to the Government. You are only heaping one reactionary law upon the other for the sake of perpetuating the regime of prospective reactionary rule. Why don't you drop that law and this measure as well " (Applause from the Congress Party Benches.) It is in the hands of the Government of India even now before the new Act is actually put into operation to make a suggestion to the Secretary of State to save this country from this domination of the new law and all the other laws that are to come in its train for the sake of making it workable. If such measures are necessary to make that law workable, you will never succeed in giving any kind of self-government to this country. We are not fools to believe you when you say that such powers are necessary in order to enable the future Ministers to do their work successfully. I regard that the Government of India are like Manthara, —the maid in attendance on the Queen who gave advice to the Queen of Ayodhya, Kai Kai, and the foolish lady out of a sense of selfish interest imposed conditions upon the old Raja Dasharatha. Those conditions were that Rama was to be exiled for 12 years and her own son Bharat was to become the crowned king. Her son came back only to rebuke his mother instead of accepting the crown. Dasharath was dead and ultimately she found that she was a widow and nowhere. That is going to be your position. (Laughter.) Rama, the real aspirant to the throne of Ayodhya, gloriously returned after exile and occupied the throne of Ayodhya. Indian people like Rama will get their Swaraj and come back to their own today or tomorrow, and you will have to share the unenviable fate of Manthara and Kai Kai.

This being the case, I want to give one piece of advice. Even now it is not too late for you to retrace your steps and be convinced that you are treading a wrong path. But if you think that nothing in this world can teach you wisdom, you are at liberty to do what you like and be prepared for the worst. With these words, Sir, I thank you once more for giving me an opportunity to speak and also the House for giving me a patient hearing for these few minutes that I had at my disposal. I wished to take up many other points and if I have not been able to take them up it was because I had a very short time at my command. However, I hope that other Honourable Members were able to convince the House that the old law was misused and there is no doubt that this Government will also abuse the powers which it is now asking us to give. I want to say, in conclusion, that these powers have not only been misused in Bengal and other parts of India, but also in my part of the country, the Central Provinces and Maharashtra. Sir, I oppose the measure. (Loud Applause from Congress Party Benches.)

The Honourable Sir Nripendra Sircar (Leader of the House) : Sir, in taking part in this debate, which, I presume, is at its concluding stage, I do not propose to start by raising any contentions or advancing any arguments, but I wish to lay before this House certain facts to enable it to judge as to what were the consequences when, on each of the three previous occasions, the experiment was tried of repealing press legislation. My Honourable friend, Mr. Abdul Matin Chaudhury, said that he was giving a cold narration of facts, but somehow or other my experience has been that cold facts generate in certain quarters more heat than angry declamations.

Now, coming to the point at once, the first Press Act, *i.e.*, of 1878, gave certain powers of forfeiture of press to the executive. Under that Act, there was not even a semblance of recourse to Courts for challenging the action of the executive. That is what is referred to by Sir Lawrence Jenkins in the portion of his judgment which was read out to the House by my Honourable colleague, the Commerce Member.

Now, Sir, that Act came to be repealed. Later on, when the situation required that some more powers should be taken, nothing was done in the shape of press legislation, but the Government thought that the situation would be sufficiently met by tinkering with the Indian Penal Code, and the result of that was that in 1898, two new sections were introduced. The one was section 124-A which relates to sedition, and the second was section 153-A which relates to exciting class hatred.

Therefore, Sir, in 1898, the position was that there was no press legislation, although the Indian Penal Code had been strengthened by the addition of these two sections.

Let us see, Sir, what was happening between the years 1903 and 1910 or rather 1908 when there was no press legislation of any kind whatsoever. I think I need hardly remind this House that the terrorist movement in Bengal had practically no history or a negligible history before the days of the partition of Bengal. (Hear, hear.) Under cover of the partition agitation, at a time when there was no question of any repression, due to other causes into which I need not digress just now, there was any amount of terrorist activity. What was then happening to the press?

As soon as this agitation started, a number of papers came out, and those, who have come from Bengal or those who have studied the history of Bengal, cannot forget the name of the *Yugantar*, the *Sandhya*, the *Sarathi* and others. There was open incitement to assassination and murder as a political weapon. In those days, the camouflage of profession of non-violence was not known. They were inciting the people to violence. They said, that is the only way in which the country could be liberated. What was the effect of these papers? I need not give them in my own words, but I shall give you reference to cases where it has been found—by Court that those papers were allies in the campaign of conspiracy and murder. Before the Press Act came into operation, these newspapers, particularly the *Yugantar* and the *Sandhya*, were responsible for dissemination on a very large scale, of incitement to violence. Sir, as I said, I will give you one or two instances from the judgments of Courts. In what is known as the Manicktola Conspiracy case.....

An Honourable Member : Oh ! You are beginning from there.

The Honourable Sir Nripendra Sircar : My Honourable friends will kindly make note of this fact, that I do not desire to give way either to casual interruptors or to habitual interruptors like my Honourable friend, Prof. Ranga, on the other side.

Now, Sir, in the Manicktola Conspiracy case—I am giving it from the judgment—the Court found that the accused employed newspapers in furtherance of the objects of the conspiracy, namely, assassination on a large scale. It found—(I am quoting the words)—the *Yugantar* was a limb of the conspiracy and that even young boys in remote parts of the country were corrupted by this newspaper.

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Now, Sir, I will give you one more. In the Nagla Conspiracy case, one of the documents exhibited was a little volume called "The Mukti Kône Pathê"—which means "In which way is the liberation"—and the judgment finds that this book consisted of reproductions of articles originally published in the *Yugantar*. These articles in the *Yugantar* point out that revolution has to be prepared in two stages, firstly, by the formation of public opinion, and, secondly, by brute force and collection of arms. "Mukti Kône Pathê" recommends publication of newspapers, and acknowledges the great service done to the revolutionaries by newspapers.

These newspapers, according to the findings of Courts, and what is common knowledge in Bengal, were the most potent allies in the cause of terrorism and they were the most useful agency for dissemination of these ideas of violence and murder as a political creed throughout the length and breadth of Bengal. This was the most powerful weapon in their hands. As it can be easily realised, the method of the terrorists by reason of the nature of their work must be to act in secret. It is not easy for them to get into touch with a large masses of men, but that difficulty was more than compensated by the publication of all these newspapers. The cult of murder was daily brought home to thousands, through the agency of the press.

Now, Sir, as I said, there was no press legislation at this time. The inevitable consequence of this class of writing came to be felt very soon, and, if I may remind this House, without going into unnecessary details, that the campaign of murder really started with the murder of Miss and Mrs. Kennedy in 1908, and a party to the conspiracy for this murder was Kanai Lal Dutt who murdered in jail a friend of his, who was another conspirator.

When things had come to that pass and when assassinations were taking place in the country, Government moved, and although this Government is described as greedy and credited with insatiable lust for power, as a matter of fact nothing was done in 1908 beyond passing the Act which was called the Newspapers (Incitement to Offences) Act of 1908. It is not surprising, but though it was not expected then, we know now, the Act of 1908 had very little effect in checking this dangerous propaganda with which the country had been over-run.

It is all very well to ask, after all how many papers were there of the kind of *Yugantar*. Sir, whether there were ten or whether there were 20 or 50, as I have shown from judgments of the highest Court in the land that the influence and the poisonous effect of these papers was incalculable and I agree with my Honourable friend, Dr. Deshmukh, if he is not asleep....

Dr. G. V. Deshmukh (Bombay City : Non-Muhammadan Urban) : I am listening to you very attentively.

The Honourable Sir Nripendra Sircar :that statistics should not be taken in too dry and scientific a manner. He reminded us that when emotion comes, logic goes to the wall. I agree again. And here these poisonous papers were playing upon the emotion of the youths of the country, and logic was giving way, leading to disastrous results.

I have told the House that the situation could not be controlled by the Act of 1908, and I would like to place before the House four or five lines from the findings of the Rowlatt Committee :

“ Though the *Yugantar* disappeared, other newspapers sprang up, and we are convinced that these publications produced ever a new succession of instruments of murder and outrage, and to this source, altogether independent of other causes, is largely due the continuation and extension of conspiracy.”

It was then, Sir, that the Act of 1910, about which so much has been said,—and I do not want to go into its provisions—which may shortly be described as a far more comprehensive Act, was passed. What was the effect ? The morality of the tone,—that has been our experience,—changes with the existence or repeal of press laws. When the press law of 1910 came into existence, there was certainly an improvement, if not at once, but gradual and steady.

I will not tire you with a long history, year by year, but, as you have been informed, in 1921, there was a Press Law Committee which recommended the repeal of the Act of 1910. At any rate, from April, 1922, there was no Press Act ; and, therefore, this is the second inter-regnum. From 1922, right up to 1930, when Ordinances and other press legislation was started, the period may be described as the second inter-regnum.

We have seen what happened during the years when there was no press law, on the first occasion, and how in the period 1903 to 1908, a section of the press was directly responsible for incitement to murder and violence. From 1922, there was no press law till we come to 1930.

In 1922, when the press law was abolished, the Press Law Committee considered it desirable,—I am giving from summary of their findings,—that the demand for repeal should be met, though they said that a weighty case had been made out by some Local Governments for retention. That is to say, the position was this, that although a strong case, according to the Committee, had been made out by some of the Governments for not repealing the law, yet they thought some risk should be taken and the popular demand should be met. In introducing the Bill for the repeal of the Act of 1910, Sir William Vincent, said :

“ In moving this Bill, I am conscious I am taking risk at the present juncture.”

And the risk was taken. This Government which is a bloodthirsty Government, anxious to have as much power as possible to crush down the people by all possible means, deliberately took the risk in 1922, in spite of the warnings given by the Local Governments, and the Act was repealed.

Now, let us see what was happening between 1922 and 1929. In 1922, as this House has been already reminded by one, if not two, of the speakers, there was the non-co-operation movement, a movement started with the deliberate object of paralysing and ultimately destroying Government by breaking its laws.

Now, Sir, it has been known that on occasions, and I should say, in many instances, contrary to the direction given by the founder of this movement, crowds or mobs of Civil Disobedients have broken into violence. The point that I want to stress is, that even where they have not been guilty of any acts of violence, the studied contempt of law and order and of the authorities, who have got to maintain law and order, created a

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violent mentality and created an atmosphere in which the young and unbalanced mind was predisposed to fall a victim to the inspirations of the terrorists. Now, Sir, as I said, by 1922, the Act was repealed. We have then the Chittagong Conference which met in 1922 shortly after the repeal of the Act of 1922. At this Conference, they decided,—and I say it deliberately, without actually quoting the language of the Resolutions and speeches which were made,—(i) not to have any objection to violence and to resume violence if possible, and (ii) what is more important for the precise point, I am pressing before this House, to use the press. The result was that, as soon as the Act was repealed in 1922, the *Yugantar* re-appeared, and, if I may say so, a brood of vipers appeared. Their names are too many; the more well-known are the *Sarathi*, the *Shankha* and the *Yugantar*. They all appeared within a short time of the repeal of the press law of 1910.

They had previously disappeared,—why? Was there no legitimate scope for newspapers? We have heard of newspapers being absolutely necessary for passing the torch of knowledge from hand to hand for propagation and exchange of ideas, for criticism, and the giving of information to the public. But this class of newspapers have no vocation left, they cannot meet the expenses for one week, if they are asked not to publish articles of dangerous nature, inciting people to violence. That is why they disappeared and why they re-appeared practically simultaneously with the repeal of Press Legislation in 1922. One fact is very significant. Not only in many cases the names of the newspapers were the same, but the management, the persons in charge of the papers, were the men who had been conducting these papers in the period 1904—1907. It may rightly be said that what disappeared as a result of press legislation,—the *Yugantar* and its tribe,—re-appeared simultaneously with the repeal of the law in 1922.

Now, Sir, what was happening in this period, 1922—29? My friend, Prof. Ranga, reminded me that, on the last occasion, I gave them 56 cases; he has not thanked me for not making it 86 or more as it could easily have been done. (*An Honourable Member*: “There is still time.”) I will not go into that aspect of the matter at all on this occasion, nor shall I give instances of glorification of murder or things of the kind which I dealt with on the last occasion.

We have been told that newspapers are required for spreading knowledge and increasing human happiness. Leaving alone the aspect of terrorism, and incitement to violence, let us have some idea of the actualities of the situation as to what a section of the gutter press was capable of doing in connection with fanning communal passions into flame.

Sir, I believe, many people, particularly those who come from Bengal, are aware of the name of the *Ananda Bazar Patrika*, which claims to have a larger number of subscribers than the *Statesman*; and, without entering into journalistic rivalries, one may say that it has a very large circulation. From the voluminous material available, I am giving instances from three districts and leave the House to judge as to what the effect of these writings would be on the masses.

In an article published in July, shortly I should say during the time of what is known as the Pabna riots of 1926, this paper asserted—and I have taken care to quote almost the exact words, so that it may not be said I am paraphrasing it.

“The Hindu public think that there is truth in the rumour circulated by Maulvis that Government have permitted the Mussalmans to loot Hindu houses for a week. Muslims in bodies are going in villages helping the neo-religionists.”

In another article, in the same paper, after referring to the fiendish attack of, and the terrible oppression committed by, Moslems on Hindus, it deliberately excites the Hindus by ridiculing them as to why they are not retaliating—is it for fear of life?

A sample of the untruth and of the exaggeration which was indulged in, in connection with the communal trouble then existing, is given by the following quotation from another newspaper:

“Many villages in Pabna have today been converted into a cremation ground. People are fleeing from villages through fear. Their wealth and property have been looted. the images of their gods have been broken. The barbarians in broad daylight, without fear, are freely looting Hindu villagers, and the Hindus with their mothers and sisters are taking shelter in jungles with tigers and bears. The ruffians, with Satanic exaltation, have forced the Hindus to read the *Kalma* and tried to convert them to Islam. Are they Moslems or are they demons?”

Another paper, the *Bishwamitra*, had this writing:

“They have been unable to suppress the *goondas*, although numberless Hindu women have been dishonoured.”

This was the grossest exaggeration. I am sorry I have to make a reference to our Honourable President—but the paper goes on to say:

“One curious fact is that, in spite of all this bloodshed in Pabna, Haji Ghuznavi (not our Honourable friend here) and Sir Abdur Rahim have not thought fit to raise their fingers in protest.”

More than one paper insinuated or stated that Sir Abdur Rahim was party to a Machiavellian policy—he was an ally of the “third party” which had been exciting Muslims against Hindus, and why? For forming a Muslim bloc in the Bengal Council.

The *Sakti*, another paper, in a long venomous article under the caption “The Age of Nadir Shah” wrote.

“From the barbarous oppression and persecution that have been committed in Pabna, the question arises, whether Muslim religion means fiendishness.”

The *Hindustan* of Calcutta, writing on the situation, says:

“The Moslem plunderers come and loot houses, Hindu women hide themselves in jungles like dogs and jackals, seeing that their honour is in danger. The Moslems, who are fond of moting, are wandering about in Pabna like mad beasts eager to destroy the property and honour of Hindus.”

The *Jagaran*, another paper, puts it in this language:

“We have heard that Mollas preach to illiterate Moslems that the Scriptures say that it is sin to remain a widow. For this reason one acquires profound virtue according to Islam by outraging by fraud, force or artifice, the honour of Hindus, particularly Hindu widows.”

A typical example of the glib platitude about the third party—the fighting communities having nothing to do with it—is shown by an article in the *Forward*—it is a long article:

“Possibly Sir Hugh Stephenson is not yet fully assured if the present communal tension is sufficient for Sir Abdur Rahim’s scheme of forming a Moslem bloc the want of which was keenly felt when dyarchy was killed in Bengal by Deshbandhu Das.”

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Our Honourable President was part and parcel of the third party which was following a Machiavellian policy of making the brothers quarrel among themselves.

The *Servant* in an article said :

“ The cumulative effect of this campaign of Hindu hatred, the desecration of temples and images, defilement of houses, abduction of girls, has been that the Hindus living in villages have become panic-stricken, their women do not dare go out of the houses for fear of dishonour, and the men themselves live in constant fear of their Muhammadan neighbours.”

Sir, in connection with this trouble in Pabna, I claim to know something about it, because, at that time, I was counsel in one of the cases that came to Court. This was a small matter, and, like any other ordinary squabble in a village, it would have died down in 48 hours : but it took months to subside and the trouble increased out of all proportion as a result of writings of this kind of which I have given you a few samples.....

Mr. Mohan Lal Saksena (Lucknow Division : Non-Muhammadan Rural) : Did you condemn these writings then ?

The Honourable Sir Nripendra Sircar : I did. If you had been allowed to make that inquiry which you were prevented from making, you might have discovered the part played by the Press, had that been the object of your enquiry. Sir, that was done by the Government of Bengal under the special Act which my Honourable friend, Mr. Fuzlul Huq, helped in passing. (Laughter.)

Mr. Fuzlul Huq (Bakargunj *cum* Faridpur : Muhammadan Rural) : It was a hireling vote !

The Honourable Sir Nripendra Sircar : I am sorry, I could not hear that interruption ; but if you search the proceedings of the Legislative Council in Bengal, it will be found that he did support the Bengal Criminal Law Amendment Bill, although he decried it on the floor of the House. I have got the volumes here : in proper time I shall show that my friend is suffering from a curious lapse of memory. (Interruptions.) If I am allowed to go on without interruption, I may be able to carry out the gentlemen's agreement which I have arrived at with the Honourable the Leader of the Opposition ; but if this interruption goes on, my friend will surely understand that I am not bound by the bargain, on account of these half audible attempted interruptions.

Then, Sir, coming to another district, Hughli, the *Pallivasi*, writing under the caption “ Orgy of Crime ”, stated :

“ The news of repeated breaking of temples and images is making the blood grow warm in the veins of moribund Hindus. Not content with breaking temples and obstructing marriage processions, the miscreants are making Cow-korbanas. What Hindu is there, whose heart is not filled with hatred towards beastly Moslems. Lustful Moslems in batches are committing oppression on Hindu women.”

Sir, I have given you samples from three districts, and not confined to one year. What, then,.....

Bhai Parma Nand (West Punjab : Non-Muhammadan) : You have discovered these after nine years ? You are speaking of things that occurred in 1926.

The Honourable Sir Nripendra Sircar : No, Sir ; if my Honourable friend will hold his soul in patience, he will know what I am going to

say presently. This communal matter is rather unpleasant to my friend, Bhai Parma Nand. This is not confined to one year, nor was it discovered only today. As a matter of fact, I was going to tell the House that many of these papers were prosecuted, but, as has been stated by the Honourable the Home Member, the prosecution of dummy editors had no effect whatsoever. The infamous *Yugantar* was prosecuted five times between 1907 and 1908, and every time a man of straw was put forward. ...

Bhai Parma Nand : I am not talking of the *Yugantar*.

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member wishes to address the House, he must rise in his seat.

The Honourable Sir Nripendra Sircar : As I said, Sir, cold facts have heating effect in some quarters.

The situation, during the second interregnum, may be shortly summarised as follows : Throughout this period, a section of the press was flooding the country with articles urging people to break laws. Secondly, during this period, 1922 to 1929,—I purposely refrain from giving examples, because I dealt with this matter on the last occasion,—but this is the period when the glorification of murderers took an intensive form. One has got to turn to the pages of some of these papers only to see that column after column, day after day, there was nothing but canonisation of murderers, worshipping them, calling them saints and liberators, holding them as glorious examples to be followed by others.

Then, the third thing, that was going on, was the fanning of this communal bitterness. I presume, Sir, if any press law had been in existence, if any of these poisonous papers had been proceeded against by the authorities, we would have been told that the Satanic Government was crushing the spirit of Nationalism, that this torch of knowledge could no longer pass from hand to hand, that we could no longer have free discussion or free exchange of ideas which is so necessary for human advancement, as was pointed out by my friend, Pandit Govind Ballabh Pant.

Pandit Govind Ballabh Pant (Rohilkund and Kumaon Divisions : Non Muhammadan Rural) : You dispute your principle ?

The Honourable Sir Nripendra Sircar : I don't dispute it at all, so far as legitimate and permissible functions of the press is concerned. But these papers were not prevented from carrying the torch of knowledge, but they were prevented from emitting poison gas, which was the sole duty which they had taken upon themselves to discharge. ("Hear, hear" from Official Benches.)

I come now, Sir, to the third interregnum. The press legislation of 4 P.M. 1930 ceased to have any effect from March to end of October, 1930.

I need hardly remind the House that at this time the Press Ordinances were issued.

When the press law had been in operation, the situation had vastly improved, and this Government, greedy for power, once more took the risk in 1930 of repealing the press law.

Let us see, Sir, what happened within these six or seven months. We had, as was to be expected, because history had repeated itself twice and it

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was repeating itself for a third time,—the immediate appearance of articles, poems and stories,—poems and stories being the special feature of Bombay,—in glorification of murderers, of incitement to violence, unrestrained praise of persons like Bhagat Singh, Dinesh Gupta, Kanai Lal Dutt. This was the daily feature of numerous papers in most of the Provinces, as soon as the press law was repealed in 1930. One has only to read the articles to see the trend of them, and the object of most of them was in praise of murderers, and to indulge in outrageous and fulsome flattery of assassins. Any young person who, not having the subtlety of my friend, Pandit Malaviya, would at once be led to the conclusion that, after all, this is one of the noblest achievements possible for him, and that murder would earn for him the gratitude of a section of the press and the public. Then, the third, as I said, was the incitement to break all laws, because they are laws of a foreign Government. Then, fourthly, the articles like “Bravo Chittagong”, somewhat on the lines of “Bravo Azad” of Pandit Malaviya, the “Martyrdom of Dinesh Gupta”, published daily and in the most prominent fashion, would reasonably be expected to lead to the inevitable consequences of such writings, and you will find, Sir, that this period of six or seven months is crowded with terrorist outrages.

Can you give me, Sir, just a few minutes to tell you as to what happened within these six months?

I will just remind the House of the items without going into details. We have five cases, and I think I ought to take the precaution of saying that these remarks are confined to happenings in Bengal,—I do not intend these to apply to other provinces so far as this part of the argument is concerned. We had five cases of bomb throwing on police stations. The cases were tried in Court, and the accused were convicted.

In April, 1931, Mr. Peddie was murdered, and one has only to compare the writings in a certain section of the press in April, 1931, when there was no press law, with the writing which appeared on the death of Mr. Burge in 1934, when many of these papers had attained morality as the result of press legislation.

Then, Sir, we had the murder of Mr. Garlick, Sessions Judge, the attempt on Mr. Cassels, the murder of Mr. Ahsanulla, the police inspector of Chittagong, attempt on Mr. Dunro, the attempt on Mr. Villiers,—he was not killed, but was severely wounded,—and, during this third interregnum,—thanks to the spirit of lawlessness and of defiance of the constituted authorities created by Civil Disobedience or the law-breaking movement,—very intensive results were obtained within six months. The two movements were natural allies, having the same object, *viz.*, paralysing and destroying the Government. That was the situation from April to November, 1930, when, for the third time, the press law had been repealed. History had shown the folly of repealing press laws for even six months. You will also notice from the dates, the periods during which this Government patiently waited before taking such a drastic step as the press legislation. On the first occasion, they waited from 1904, if not from the end of 1903. The first mild step was taken in 1908, and a real step was taken in 1910, a period of five to six years.

When the second press law was repealed, the Government waited for full seven years, relied on ordinary law and carried on prosecutions under section 153A and all other sections of the Indian Penal Code, and it was found to be ineffective.

The arguments for discontinuance shortly are these. First, it is said that terrorism is now negligible. Now, Sir, again I have no desire to go into facts and figures on this occasion, but my Honourable friend, Mr. Akhil Chandra Datta, either in his speech this time, or on the last occasion, or probably both, pointed out that there were a far less number of terrorist outrages in 1934 as compared with 1931-32. That is admitted. The number of outrages in 1934 were less. Probably, my Honourable friend has not taken notice of the fact that, in 1934, there were 49 cases in which arms, bombs, revolvers, had been found on searches. I am not referring to the discovery of arms, connected with those who were tried in Court and were convicted of specific acts of terrorism, but to cases of arms, found in illicit possession. These were 49 in number, and five cases are reported where no trace could be found of lost or stolen arms.

I think it is also a significant fact that, during these searches,—I do not remember the number—in some cases the police discovered country-made revolvers, one of them was exhibited in one case showing apparently that, in some part of the country, whether in Bengal or out of Bengal, I have no information, revolvers were being made.

Mr. Akhil Chandra Datta (Chittagong and Rajshahi Divisions : Non-Muhammadan Rural) : Some revolvers are made by the informers themselves. That has been the finding of the Courts.

The Honourable Sir Nripendra Sircar : No, that is not the finding of the Court. I shall stand corrected if the Honourable Member will show me any judgment. The two cases which my Honourable friend thinks of and another case to which my Honourable friend did not refer—in those cases it was not that the revolvers were manufactured by the informers, nothing of the kind.

Mr. Akhil Chandra Datta : That is the finding

The Honourable Sir Nripendra Sircar : That is not the finding in the cases I have in mind or he referred to. Once more, if I may make a short digression, those two cases which were cited by my Honourable friend go to show that the informers on these two occasions planted revolvers or bombs and laid a false charge against certain people.

Mr. Akhil Chandra Datta : Not only planted, but made.

The Honourable Sir Nripendra Sircar : No, Sir. I deny that. There is no use contradicting a thing more than thrice.

Mr. Akhil Chandra Datta : Anyway, there is the finding.

The Honourable Sir Nripendra Sircar : I said there is no finding. I have denied four times, and let us stop after four times.

In these cases, it was the wretched Government which started prosecution of these informers. In one case, the sentence was considered low, and it was again this wretched Government which went up in appeal for an enhancement of the sentence. (Interruption by Mr. Akhil Chandra Datta.) I think my Honourable friend is too dangerously near other interrupters and is getting their habit.

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Let me try to remember where I digressed from. As I have said, I have no desire once more to go into facts relating to terrorism, but I would like to place before this House one and one document only.

I should explain what this document is. This is a letter, rather long, which purports to be written by a gentleman of the name of Krishnadas Singh Roy. Mr. Krishnadas Singh Roy is not a police informer. He lived at Sabarmati for some time. He is the author of a book which is called, "Seven Months with Gandhi"—"Mahatma" has been omitted by him, and not by me. He came to Bengal early in 1930 to launch the Civil Disobedience Movement. Early in April, 1930, he addressed meetings in Calcutta, full accounts of which will be found in the *Forward*, *Advance* and other papers. The meetings were organised by the North Calcutta District Congress Committee, and, two days later, after his first speech, Mr. Krishnadas was introduced to the audience in another meeting by Mr. Sen-Gupta. Rightly or wrongly, Mr. Krishnadas Singh Roy described himself as Secretary of Mahatma Gandhi. In his earlier speech, Mr. Krishnadas explained the various stages of complete independence, namely, (1) Petition, (2) Non-Co-Operation, (3) Civil Disobedience, and (4) Anarchy.

In December, 1930, he started what is well-known to my Bengal friends, I am sure, the "Bengal Council of Action." Mr. Krishnadas Singh Roy, according to a statement in the press, the correctness of which we cannot vouch for, and which statement appeared on the 15th December, 1931, was appointed office Secretary of the All-India Congress Committee.

This gentleman was extensively touring in Bengal, and, fortunately, he had much better luck than my Honourable friend, Mr. Saksena. He was extensively touring in Bengal, and, as he was having interviews with persons who were suspected to be terrorists, Government took the precaution,—a precaution which Mr. Saksena says has also been taken in his case, but about which I know nothing—Government took the precaution of intercepting the letters which he was writing. From aboard "Masuda" at Chandpur—he was touring in East Bengal—he wrote a letter addressed to Mahatma Gandhi which never reached Mahatma Gandhi, because it was intercepted.

Mr. M. S. Aney : By another Mahatma !

The Honourable Sir Nripendra Sircar : By another person acting under Statutory authority, and not the way in which you get hold of Hallett's circulars.

In February, 1931, this letter, written from aboard "Masuda", was intercepted. May I read some extracts from this letter ? I am only keeping back two names, I, for obvious reasons, do not want to disclose those two names. I will refer to them as Mr. A. and Mr. B.

The writer is talking of the Congress Party in Bengal :

"I interviewed Mr. 'A' on the 7th evening. What I gathered from him is that he appreciated your position on the subject of release of prisoners."

I may just make one digression to remind the House that, as Honourable Members may know from the correspondence and from what I said on the 29th March, violent pressure was being put upon Mahatma

Gandhi to intercede with the Viceroy for the release, not only of Civil Disobedience prisoners, but of terrorists, to which pressure Mahatma Gandhi would not yield :

“ I interviewed Mr. ‘ A ’ on the 7th evening. What I gathered from him is that he appreciated your position on the subject of release of prisoners, but he pleaded and will plead before you that the situation in Bengal required that the group of revolutionaries in Bengal, if possible, be satisfied. I think, Bapu (*that is meant for Gandhi*),—I think, Bapu, I have correctly represented my talk with Mr. ‘ A ’. I am in a fix. When I came out of jail in October last, I realised, and Panditji agreed with me when I sought his advice in the matter, that it was not possible to revive the movement in Bengal and make the Congress felt unless all our resources were combined. That was what led me to approach him to join hands with us which led to the Council of Action. But this much I know, that, judged from the standpoint of non-violence, there is not much to choose between Mr. ‘ A ’ and Mr. ‘ B ’.”

The writer then proceeds to say

“ Mr. ‘ B ’s ’ party consists of :

- (1) Anushilan group of revolutionaries,
- (2) Yatish Babu’s group of revolutionaries, also pledged to violence,
- (3) Communists pledged to violence and terrorism, fundamentally opposed to non-violence. A small group, but very devoted.

Mr ‘ A ’s ’ party consists of :

- (1) *Yugantar* group of revolutionaries—policy guided from Calcutta and Ranchi, but the organisation has ramifications throughout Bengal. The present B. P. C. C. is under control of this group of men pledged to the cult of violence, but not opposed to mass movements of non-violent kind, it being the opinion of this group that such movement is most helpful towards preparing the ground for greater revolution which was bound to be based on violence.

Hence this group did not oppose but participated in the movement of 1921 as also of this present movement and is mainstay of Mr. ‘ A ’.

Bengal politics is nothing but struggle for power (whether in the B. P. C. C. or in the Calcutta Corporation) between this group and the Anushilan group. Mr. ‘ A ’ and Mr. ‘ B ’ are pawns in the game.

- (2) Bepin Ganguli’s group of revolutionaries, originally belonging to Mr. ‘ B ’s ’ party, but has now gone over to Mr. ‘ A ’s ’ party.

My own impression is that Mr. ‘ A ’ has got a compact party, with some amount of discipline, whereas Mr. ‘ B ’s ’ party is a more or less ramshackle one, with elements which are bound together only by their common opposition to the present executive of the B. P. C. C.”

The authorities in Bengal are in no way indebted to Mr. Krishna Das for his statements, because this was also their inevitable conclusion, not merely from people who are called police informers, but from cases tried in Court and from other sources. From the 56 cases, cited by me, any one with a little patience will find out from the number of documents which have been exhibited in these cases that the conclusions of Mr. Krishnadas are wholly justified. From these and numerous other materials, the Government of Bengal were perfectly well aware that the Congress in Bengal cannot go on without the sympathy and help of the terrorists. They knew perfectly well that all this fight between two groups in Bengal is really a fight between Anushilan group and the *Yugantar* group, the two well-known parties of terrorists, one under the guidance of one party in Bengal Congress, and the other under the guidance of another party.

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A few, who are ignorant of the facts, may complain of the light grounds on which Government come to conclusions, but I can assure the House that the common belief, that, as soon as an informer comes and says that Mr. 'A' or Mr. 'B' has done something, Government proceed to take action, is entirely wrong. Government know that it is a tainted source, and, therefore, wholly unreliable, and no responsible high official will take any action only upon the information given by a common informer unless that is corroborated by other incidents or other evidence. (*An Honourable Member* : "Question.") The question cannot be put by anyone who knows the facts. I have now dealt with the argument that terrorism has disappeared, as concisely as time permits.

Now, I come to the next argument that the Civil Disobedience Movement has been suspended. Sir, we acknowledge, and, I think, Mr. Datta, referred to the circular of June, 1934, in which it was stated that Civil Disobedience has been suspended, but, Sir, is it not also a fact that the leaders of the movement, ever since the date of that circular, have gone on giving us warning after warning that we are labouring under a delusion, that the mentality has not changed, that the ideal has not been diluted, and that the movement may be started as soon as the retired forces get a suitable opportunity.

Now, as I said, it is the leaders of the non-co-operation movement who have been warning us of one delusion in thinking that we can proceed on the footing that this movement is dead.

I think one of the Honourable Members, Dr. Khare, said in a speech in this House "For immediate effects, I am not ashamed to admit that the Civil Disobedience Movement has failed. That does not mean our mentality has changed". Of course, not. We had warnings in this House too. I am coming to that in a minute.

Dr Sitaramayya said that the "Congress cannot be expected to die because of its non-co-operation ideal". We have had it from Babu Rajendra Prasad the other day that this movement has been only suspended and not given up. We have been assured in this House that this movement is a kind of birthright. It cannot be given up. It cannot be suppressed and it is idle to legislate against it.

Prof. N. G. Ranga : Consult the Finance Member !

The Honourable Sir Nripendra Sircar : I can assure my friend, Mr. Ranga, that I am taking no offence at his interruption. I know it is something like an involuntary and automatic action.

Now, Sir, as regards "birthright", I presume it is the "birthright" of the Gond to offer human sacrifice. I believe it is the birthright and the belief of some orthodox Hindus to obstruct the Harijan using the King's highway, and it is also the sincere and religious belief and birthright of some fanatics to assassinate people who, they think, are non-believers. With their beliefs or with their sincerity or the amount of delusion, under which they are suffering, we are not concerned. There is no punishment for ideas : but, if, in pursuance of those ideas, overt acts are committed which are unlawful, then the Government must be prepared to do one of two things. It ought either to say : "We abdicate, come, my brethren, my non-violent brethren, and break one-

another's heads" (Laughter), or it ought to pay no regard to what has been claimed as a birthright.

My Honourable friend, Dr. Deshmukh, in his very breezy speech, said : " Civil Disobedience is an idea ". Well, Sir, in so far as it is an idea, it is not punishable, and nobody has said or even suggested that from this side. In preaching an idea, there is no offence, unless you are setting up people to commit violence or things of that kind. There is no harm if a man gets the idea and publishes anywhere that the best thing which can happen is to take over the properties of all propertied men without compensation, that we should nationalise all the means of production, and, after all, it has been said that women are the means of production (*Cries of " Order, order " from the Opposition Benches*) (*An Honourable Member* : " It is unworthy of you. ")

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : On a point of order, Sir, I submit, there is such a thing as a rule of decency which all Honourable Members, even those on the Government Front Benches, should observe. I submit, Sir, it is indecent to say that women are the means of production, I submit there are rules of decorum, and I do ask your ruling, Sir.

The Honourable Sir Nripendra Sircar : Sir, before you give your ruling, I should like to state that some men may preach this ; this has actually been preached ; I can give my Honourable friend books in which that has been preached. (*An Honourable Member* : " Never in India. ") I have not said or suggested " in this country ". What I am trying to show—if my Honourable friend will only not purposely misunderstand and restrain himself—I have not suggested that this has been done or can be done by any Indian ; but I am taking an extreme case to show that, even if one preaches such filthy ideas, which undoubtedly are abhorrent to all of us here, it is no crime, it is an idea, it is like " Civil Disobedience " an idea, and we have no quarrel with ideas, so long as you do not give effect to them by unlawful means.

Sir, about the breaking of laws being a birthright, I think it would be impossible to carry on any system of civilized Government if people are allowed to do that. (Interruption) My interrupting friend can have his own opinion ; he can keep it to himself.

No civilised Government can go on if anyone and everyone can come forward and pick out and choose laws and say that " this is the law which I am going to break ". Sir, may I put it to the House in the very terse manner in which it was put by my Honourable friend, Mr Satyamurti, in his speech in Bengal.

Mr. S. Satyamurti : You read it before ?

The Honourable Sir Nripendra Sircar : Not this portion.

Mr. S. Satyamurti : Read the whole of it.

The Honourable Sir Nripendra Sircar : That will take a very long time. My Honourable friend, Mr. Satyamurti, said in his speech at Calcutta :

" Satyagraha and non-payment of taxes and disobedience of laws are all very well, when we are fighting a foreign bureaucracy. But I dread to think of the future Swaraj Government, if it has continually to fight among its own citizens,—Satyagrahis,

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passive resisters and law-breakers. There is a dangerous doctrine today that Satyagraha is a more potent weapon than the ballot-box. It may be or it may not be, but no civilised Government can exist, if every citizen thereof claims the right to decide for himself whether a tax should be paid or not, or whether a law should be obeyed or not."

Sir, those are exactly our views : I have no doubt that when these unworthy people walk out from this side (*An Honourable Member* : "Driven out")—yes, or are driven out from this side, if then my Honourable friend (Mr. Satyamurti) is in charge of the affairs, in some province perhaps he will give a short shrift to the Justicites.....

Mr. S. Satyamurti : We shall be prosecuting them in "Courts of law".

The Honourable Sir Nripendra Sircar : Yes, under this Act. The strongest argument in support of this Bill is to be gathered from what has happened on the floor of this House. I have referred to the assertion of right to start the Civil Disobedience Movement again, and I have no desire to refer to it again. We have been told that it is not going to be given up. Very well, let us proceed on the assumption that the army has only retreated, and is only biding its time, and is waiting to attack us till it is sufficiently strong again. May I refer to what my Honourable friend, Mr. Aney, said.

"This is not what Pandit Krishna Kant Malaviya said. What he meant was this, etc."

But we know what my Honourable friend, Pandit Krishna Kant Malaviya, said. We have got his words before us. But before I quote only three or four of his sentences, may I tell the House as to who was this Mr. Azad, for whom this poignant grief was expressed ? Sir, in his speech, my Honourable friend, Pandit Malaviya, said :

"He was a great organiser, a gentleman to the core of his bones. Not one shot of Azad's missed the mark, who can help admiring this young man",—

and he admitted that Azad was a terrorist, otherwise there is no sense in the sentence used by him that "some people were trying to make Azad give up terrorism". Then, my friend said that he was a great organizer. Organizer of what ? Does my Honourable friend suggest in his speech that Azad had any activities other than terrorism ? Was he an organizer of nursing homes and hospitals ? Or was he a great organizer of terrorists ?

Now, Sir, that is Mr. Azad. And, further, Pandit Malaviya said :

"I never met him, I do not know him, but, of course, he must be a good man." (Laughter.)

Sir, this Mr. Azad, in the years 1924 and 1925, committed a series of ruthless dacoities, with murder, which culminated in the notorious train dacoity at Kakori near Lucknow and in which a van was looted and an innocent Indian passenger was shot to death. His complicity in the crimes was proved beyond doubt by other witnesses who were examined in his absence, but he would not face trial to challenge the mass of evidence produced against him. He became "a proclaimed and absconding offender" with a reward of Rs. 5,000 for his arrest.

While absconding in the Kakori Conspiracy case, he joined Bhagat Singh and others. There was strong evidence to prove that he covered Bhagat Singh and Rajguru when they murdered Mr. Saunders on the 17th December, 1928. He shot constable Chanan Singh dead when he was pursued. He thus again became an accused in the Lahore Conspiracy Case of 1930, in which he became a "proclaimed and absconding offender" with a further reward of Rs. 5,000 for his arrest. But he would not come and appear in Court. He would have been tried by the judiciary and not detained by the executive!

Mr. Azad, the admittedly successful organizer of terrorism, then joined the group of the accused in the Delhi Conspiracy Case. They not only committed dacoity on the Gadodia Stores, but they were manufacturing explosives in a house which, when searched, yielded explosives sufficient for the preparation of 6,000 bombs. Referring to this gentleman

Mr. S Satyamurti : May I know from my Honourable friend what he is reading from? If he is reading from any document, I suggest that it should be placed on the table of the House.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member may inform the House what he is reading from.

The Honourable Sir Nripendra Sircar : Sir, when my Honourable friends say that on a certain occasion five persons were arrested and assaulted in Madnapore by the police, do they produce any documents in support of their statements? What I am reading is the purport extracted from three heavy paper books and these paper books are available to anybody.

Referring to Azad, Pandit Malaviya stated

"He was a great organiser, a gentleman to the core of his bones. Not one shot of Azad's missed the mark, who can help admiring this youngman? I say, Sir, we Indians could have slept soundly without caring for the defence of our country, by making him our Commander-in-Chief. We could have placed him in charge of the Army."

Sir, my Honourable friend, Pandit Malaviya, an exponent of the creed of non-violence, a follower of the Civil Disobedience Movement, has nothing, I regret to say, but unstinted praise and admiration for the murderers, and, whatever the inner state of his feelings may be, this kind of speech read by the young and the unbalanced can lead to one conclusion, the conclusion to which I have already referred. (Applause from Official Benches and Official Box.)

Mr. S Satyamurti : I rise on a point of order. I see cheers from the Official Box. They have no right to cheer from there. They are mere visitors and they ought to be called to order.

Mr. President (The Honourable Sir Abdur Rahim) : The occupants of the Official Box should not cheer.

The Honourable Sir Nripendra Sircar : The cheers, I believe, are from the official Benches. Sir, my Honourable friend, Pandit Malaviya, is equally a violent admirer of Kanai Lal Dutt. Why? Because he was one of the men who was responsible for the murder of two defenceless innocent women, Mrs. and Miss Kennedy, and who has also at his credit the additional fact of murdering.....

Pandit Krishna Kant Malaviya (Benares and Gorakhpur Divisions : Non-Muhammedan Rural) : I said that the editor of the *Pioneer* admired him.

The Honourable Sir Nripendra Sircar : I am not giving way. If there is any personal explanation which the Honourable Member wants to make, he should take the Chair's permission. I am quoting from his speech as it was taken down.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member is not giving way, and if the Honourable Member (Pandit Krishna Kant Malaviya) has any personal explanation to offer, he can do that at the end of his speech.

The Honourable Sir Nripendra Sircar : I know this much that my Honourable friend had taken the precaution—rather an unusual one—of taking away the manuscript for correcting it twice instead of the usual process of correcting it once.

Mr. M. S. Aney : Whence did the Honourable Member get that information ?

The Honourable Sir Nripendra Sircar : If my Honourable friend is thinking that I got hold of it as my friend got of the Hallett Circular, he is wrong. That is not the way I got it. I got it by perfectly legitimate means.

Pandit Krishna Kant Malaviya : On a point of personal explanation. When I was talking about Kanai Lal Dutt, the Honourable the Home Member inquired from me as to who was the editor of the *Pioneer*. I said that I do not remember the name. It was about 1908, perhaps the editor was Mr. Chasney. But I was not sure about it. This being the case, my Honourable friend, the Law Member, should remember it.

The Honourable Sir Nripendra Sircar : That is altogether irrelevant, because I had not referred to that incident at all. But, as a matter of fact, it is incorrect to say that the *Pioneer* had glorified the deeds (which are the words used by my Honourable friend) of Kanai Lal Dutt.

Pandit Krishna Kant Malaviya : My exact words are "He paid a tribute to that man".

The Honourable Sir Nripendra Sircar : If this is the evidence before the House, then it is clear that the Civil Disobedience is suspended only for a time (whatever the reasons may be), and it may come on at any time. Judging by the applause with which the part of the speech of my Honourable friend, Pandit Malaviya, which I have quoted, was received, can we not infer that he is not shining in solitary glory. If that is the evidence before this House, is this House going to be told that all causes for the continuance of this Act have disappeared ? Reasons for continuance are as great as they were before.

Sir, Sardar Sant Singh gave us a warning. He said that the Government will have to pay a very heavy price if they do not learn by the lessons of history. Sir, we have learnt by the lessons of history. We tried the repeal of press laws three times, and every time the history has shown that repeal is followed by the springing

up of a number of papers which indulge mainly in the glorification of murder, incitement to violence, breaking of laws and fanning into flame of communal passions. That is what history has taught us and as it is the executive on whom, at the present moment, falls the duty of maintaining law and order, they will be failing in their duty if they would not ask this House to continue this Act instead of repealing it.

Sir, one word I must say about my Honourable friend, Mr Asaf Ali, with regard to the threat which he held over Members. He said, if you vote in support of the consideration of the Bill, then there is no chance of your coming next time. Now, Sir, those to whom this remark is addressed may either think that the motion ought to be supported on its merits or their conclusions may be otherwise. If you think that it ought not to be supported, then you do not require the bogey of the disaster which will meet you at the next election. If you think on the merits that it ought to be supported, then are you going to be told that whatever your honest conviction may be, please do not vote for it, because, in the opinion of my Honourable friend, Mr Asaf Ali, you will not come back.

Mr. S. Satyamurti : Where are your friends of last year ? They are all gone.

The Honourable Sir Nripendra Sircar : I am glad that you are coming back to form by interrupting. May I remind the House that Mr Gaya Prasad Singh, Mr. Bhuput Singh, Mr. S. C. Mitra, Sir Hari Singh Gour, Mr. Amar Nath Dutt, Mr Jog, all those who violently resisted the reference to the Select Committee have not been returned by a grateful country (Official Applause.) I hope my Honourable friend, the Leader of the Opposition, will not mind if I take a little more time than I wanted to.

Mr Bhulabhai J. Desai : The Honourable Member has exceeded his time.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member can go on.

The Honourable Sir Nripendra Sircar : I hope, Sir, you will give me some rebate for the interruptions.

Now, Sir, may I have a passing word about my Honourable friend, Mr. Fuzlul Huq, who boldly asserted that, if you look to the proceedings of the Legislative Council in Bengal, you will find that he never supported the Criminal Law Amendment Bill. Sir, I have got the proceedings of what happened in the Bengal Council before me. The Bill was moved and asked to be taken into consideration on the 21st August, 1930, in the Bengal Council by the Honourable Mr. Prentice. Sir, on that date the House sat till 7 P.M. or a little later than 7 P.M. There were six divisions, and, if the records are right, there was no voting on that occasion by Mr. Fuzlul Huq at all. He can very well say that he did not support on that date that Bill, as we might also say, he did not oppose the Bill on that date.

But, Sir, the next day, that is on the 22nd August, in the first division, there was no voting by Mr Huq ; the second division was occasioned by Mr. Satish Chandra Roy having moved an amendment which was to this effect. As Honourable Members are aware, under

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this Act, men suspected by the executive can on executive suspicion be detained in jail. I am giving this in colloquial language Mr Satish Chandra Roy moved an amendment that they should at least be told in writing as to what the charges are. What did my Honourable friend, Mr. Huq, do? Did he support the Government? Yes, he did.

Then, there are two more divisions. I won't tire the House with details as to the occasions on which he supported the Government, in passing the Criminal Law Amendment Bill—a Bill which, as he has been stated by one of the Honourable Members here, with which statement I am in entire agreement, a Bill which gives hundred times more power to the executive than the Bill we are discussing—that is the Bill which my Honourable friend supported, and when he was informed of this by my Honourable friend, Sir Abdul Halim Ghuznavi, my Honourable friend, Mr. Fuzlul Huq, got up and said: "If you look into the records, you will find that I have not supported even on a single occasion". That is the position.

Sir, the Honourable the Commerce Member referred to the speech of my Honourable friend, Mr. Satyamurti, who said that when we get Swaraj—Swaraj is the panacea for all the ills including failure of monsoon—rains will fall from heaven. My Honourable friend, Mr. Satyamurti, contradicted and said: "What I meant was that in our time, when rain does fall, we shall not allow it to waste". There was tremendous applause from his friends. Let us see what is the report as given in the press, because, after all, we have to proceed on published reports, and they are not contradicted by my Honourable friend. I am quoting from the *Madras Mail*.

Mr. S. Satyamurti: My enemy.

The Honourable Sir Nripendra Sircar: What he said was this: we will bring water from the heavens—and, so far as the text of his speech is concerned, they are the same in all the newspapers, and the *Madras Mail*—the enemy of my Honourable friend,—may have twisted the headlines. Now, let me read from the extract of his speech:

"There are many rivers in this country, but no water. Whom are we to blame, God, the Government or our enemies, the Justice party. At no time, in the hoary history of India, has India experienced such a dearth of water and poverty. But in the days of swaraj we will bring water from the heavens as Bhagiratha did in the days of the epic and make it flow in all the rivers."

Mr. S. Satyamurti: On a point of personal explanation. I was speaking in my mother tongue, *i.e.*, Tamil. I was speaking colloquially as I always do in my part of the country, and I can do so now; however, it is no good for this House. What I did say and what I meant was that, as in the epic days, Bhagiratha did bring water from the heavens and as he dug canals—that is a well-known story in our epics—we must also conserve our water and make them flow into all the rivers. I do say that when we get Swaraj, we shall construct more irrigation works than this Government has done.

The Honourable Sir Nripendra Sircar: Sir, I am glad that I do not know that language, Tamil. It is such a dangerous language that my Honourable friend had often recourse to the defences, namely, that he spoke in Tamil.

Before I resume my seat, I may be permitted to summarise my position concisely. I say we have tried the experiment of repeal of Press Laws three times, and every time with disastrous results. I say, Sir, that the Press Act has not suppressed the Press.

My Honourable friend, Pandit Govind Ballabh Pant's figures do not bear out the conclusion arrived at by him. In fact, Sir, the progressive increase has not only been maintained, but it has been much greater after the Press Act was introduced for the last time in 1930. That is what the figures show. What my Honourable friend did was that he lumped up the figures for seven years. We must always remember that the newspaper reading public is increasing and that newspapers are increasing. Have I made a mistake in summing up what my Honourable friend said?

Pandit Govind Ballabh Pant : Where am I wrong ? That is the explanation I want. They are increasing ; but the facts are there that they increased between 1922 and 1930 in much greater proportion than between 1910 and 1922. I stand on the statistics which are published in Government publications. I would place the statistics before the Finance Member and ask him to decide as an umpire.

The Honourable Sir Nripendra Sircar : I took some trouble to work out the statistics from year to year. I find in 1920-21 it has increased by 26, next there was an increase of 77. I have got all the figures. Then there was an unexpected reduction in 1925 and 1926 by 23 which of course was the time when there was no press legislation. However, that is not relevant. I find from the figures for 1930 to 1934 that the increase in 1931, was 61, in 1932, it was 84, in 1933, it was 85 and in 1934, it was 335, and so on. Sir, one has only to read the papers in the morning which we receive and to see what criticism has been stopped by this legislation. Criticism reasonable, and unreasonable, and partly reasonable and partly unreasonable, criticisms bitter and severe—I am making no point or grievance about it, all these are quite entitled to appear and are appearing in the papers now. Criticisms most severe and sometimes extremely bitter have come out now in the daily columns of the newspapers every morning. What has been stopped ? The grievance is that what has been stopped is that you cannot incite people to murder, and the other matters which the Honourable the Home Member has mentioned.

Pandit Govind Ballabh Pant : Do not these papers come within the purview of the scope of the present Act ? If you wanted it, why did you not stop it ?

The Honourable Sir Nripendra Sircar : If I take my friend's assumption to be right that we could stop them . . .

Pandit Govind Ballabh Pant : I do not want you to take my assumption but to answer it as an expert whether it is so or not.

The Honourable Sir Nripendra Sircar : Either I can stop it and I am not stopping it. That would be charging Government with a generosity which has never been done before. But surely I cannot answer a question whether a paper comes within it or not. There may be a particular article which comes within it. I have no special paper in mind, but if it is my friend's reading that some of these papers do urge things which come within this Act and we have not prosecuted them, if I am right in the assumption

Pandit Govind Ballabh Pant : I am putting this to the Honourable the Law Member. My suggestion is that the Act as it stands today with its comprehensive scope is such that every single paper can be roped in only if Government wanted to do so. I want to know whether that impression of mine is correct or not, and I seek your expert advice ; I am not putting it as an argument at all.

The Honourable Sir Nripendra Sircar : My advice is that all papers cannot be roped in, and, even where they can be roped in, no action is taken, unless they are so objectionable that they should be roped in, in public interest.

Sir, I am afraid I have come to the limit of my time. I have put the points which I desired to make about the continuance of the Act as shortly as I could. I have no desire to go into any of the sections except that I may be allowed, before I resume my seat, to point out that certain matters in connection with law which fell from my Honourable friend, Mr. Satyamurti, do not seem to be correct. They are not very important, but I may refer for instance to this. I find from his speech a statement that in England you cannot convict for sedition unless there is an overt act. If he has said that, it is not correct. I have looked up the English law of sedition and find that an overt act is not necessary. But after all it is a minute point.

Then, Sir, either my Honourable friend or somebody else said that what is called peaceful picketing is no offence in England. I beg to differ from him and I will refer my Honourable friend to Archbold's Criminal Practice. He will find there reference to Statutes which enact that inducement by what is called peaceful picketing has been made punishable. But I do not think I should tire the House with small matters like these. I submit, Sir, the present position of the House has to be remembered. We are having legislation discussed in this House. I know that the legislation is being done by at least one section who have admiration not for law but for breaking the law. And I mean no offence, but law-breakers are now the law-makers, and that applies to a large section of this House. One has got to remember what was so clearly stated by the Leader of the Opposition in the clearest language when he delivered his short speech of six lines on the Silver Jubilee grant. He said : " You cannot expect us to directly or indirectly help in any measure which will help this present rule ". I am not giving his exact words though I have got them here. That is to say, the test to apply in connection with any measure is whether that measure is going directly or indirectly to help this Government ; if it helps them to maintain law and order, if it enables them to smoothly carry on the administration, they must vote against it.

If the Criminal Law Amendment Act helps this Government, which is a Government which according to them has got to be extinguished and paralysed, if this Bill helps this Government, then they must oppose it. No measure must directly or indirectly help this Government ; that is the test to be applied. I submit, Sir, those who, however much they may be dissatisfied with the present Constitution, are not willing to see that the Government should succumb to subversive methods, should support this Bill. Sir, I support the motion.

Mr. Bhulabhai J. Desai : Sir, I wish to amend the last statement that the Honourable the Leader of the House quoted from what I am stated to have said in connection with

the Silver Jubilee celebrations. I have always held, and I still hold, that I will not support this Government or any Government for the matter of that, contrary to the interests of my own country and contrary to my own convictions. If that is any satisfaction to those who, for the last one hour and a half, have been treating this House to an *argumentum ad hominem*, never going anywhere even approximately near to the subject under discussion, they can have it. They ought to have realised that it was not their business to get up and merely carry on and take man by man and contradiction by contradiction of single individual acts or sentences and feel that they have proved their case. If they think so, I leave that flattering unction to be laid to their soul by themselves. I expect a somewhat higher level, indeed a much higher level, of debate, argument, persuasion and conviction than the one with which we have been entertained. I say that, and the more so, because of the respect that I personally have for the Leader of the House as he well knows. But, none the less, he had to deflect the argument ; he had to get out of the argument ; he had to get at a tangent ; he had to entertain some of his friends who felt a little low during the course of this discussion ; and I am very glad that they have been very much entertained indeed.

Sir, I stand before this House confessedly a man who at one time broke what was called "law" in the sense in which it is used by Government in the definition of Austin, the great jurist. But, from that, even for a lawyer of the eminence of the Law Member to get up and say that the line that divides us two is the law-breaker and the law-maker is indeed a logic which my mind fails to fathom altogether. Undoubtedly there are many on the other side, I hope and trust, who, as and when their conscience requires, their national interest demands, would not be wanting in courage as not to break the law. I make a present to them of the argument which was advanced that I was one of those people,—and I particularly accept the title.—who dared break what was called law which I shall presently describe. During the time that I have allotted to myself, I will say that I will not indulge in that type of argument of a personal nature, though I could very well do so. I have got a long line of speakers on the other side, and I know how to deal with every single one of them, either personally or in their statements. But it is not a dignified thing to do : and, lawbreaker that I am, I wish to set a better example, if I may. We oppose this Bill forgetting all the past : we oppose this Bill on the grounds, which I shall presently state, of the well being of the State, which my friends are at present trying to govern and carry on, and we also oppose the Bill for the very nature of the provisions which are contained in the proposed enactment. When it comes to law, let me remind my Honourable friends on the other side that it is easy to cheer a very cheap observation, but I may remind them that law, in the sense in which Austin gave it, means the expression of the will of the sovereign power to do or to omit to do a particular act ordained to any of the citizens with a sanction behind it : in that sense, what was then promulgated was law. But, before a State could expect obedience to law, it has also got to see that what they give as law is not what supports their supreme absolute tyrannical authority, but a law which accords with the well being of society and which it becomes the duty of every citizen to support in the interests of the common good : The law which they promulgated did not accord either with justice or the well-being or progress of my country ; and that was the law I have broken, and I am not in the least ashamed of having

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done so. Indeed I am one of those who are fully familiar with how the provisions which are sought to be retained now have been worked ; and it will be my duty, without wearying the House and within the limits of my time, to tell them exactly what they have done of which they cannot be very proud. To the extent to which they will make laws and propose laws of the type they are doing today, they must be prepared for Civil Disobedience. I am not one of those who are afraid to meet the argument when you are told " Oh, but we are told that Civil Disobedience will come some day, and, therefore, we must arm ourselves ". Let them arm themselves all the time ; but if they arm themselves all the time more and more by the type of what is called law, restricting the liberty of the subject as we apprehend it, I am not at all afraid to tell you that if that is the ground on which you want this law, at all events, so far as we are concerned, you will not have it, not in your interest, not in our interest, but in those very interests which you profess to protect. You profess that you wish to govern the State, as Mr. Griffiths said, founded on the will of the people ; and indeed you may defy the will of the people ; but you cannot shut your eyes to the existence of the will of the people ; and if you think that you have entrenched yourself by means of measures of this character, so that, in your own unstinted absolute authority, you will find it easier to govern, you may carry on with the course that you have set to yourselves.

I fully remember the somewhat animated address of my friend, Mr. James, yesterday. He told us—and I want him to believe that I appreciate it—that we shall get the liberty of the press that we deserve, and we shall get the kind of government that we deserve. It is for that, it is in defence of those very desserts that I stand before you this evening. I wish to assure him that we shall deserve the freedom of the press by the rejection of this Bill (*Opposition cries of " Hear, hear "*) if there is any nationalism in us, if there is any self-respect, if there is any intelligence in any part of the House. For we shall undoubtedly deserve this measure of freedom from the restrictions of the proposed Bill, if only our will will prevail ; because, at one time, we broke the law, we have not become unfit to think, we have not become unfit to judge : perhaps we are all the more rendered stronger and better fit to judge what the elements of the law ought to be and not merely every freakish will and expression of the Sovereign Power, because it happens to have sanction behind it. We shall not bow our heads, however strong that sanction may be ; and after the insult which was hurled at us that it was a camouflage—this non-violence—I wish they would not quote Mahatma Gandhi again ; in one breath they call him as an apostle of non-violence,—and when it suits them, they turn round and laugh or think they raise a laugh—but they do not realise that they raise a laugh at their own expense, at their own timidity, at their own pusillanimity, at their own want of patriotism. Sir, we on this side stand for non-violence and truth, and will ever do so, God willing ; and no amount of ridicule, no amount of contempt, no amount of insinuation will ever swerve us from that straight path, and we hope we shall tread it to the honour of our country and perhaps to the glory of the civilized world. (*Opposition Cheers.*) It is no use indulging in this pettyfogging manner of indirect thrusts which for a time calls a few cheers and thumpings. That is not the way to judge of us. If you expect us to think that you are honourable men, that we should treat you as

such, then you must realise that there are certainly as honourable, if not much more honourable, men on this side of the House ; and why do you make this a personal question ? Sir Muhammad Zafrullah or Sir Nripendra Nath should not treat this as a mere personal issue as if it was a question between us and them, or between Mahatma Gandhi and the Government of the country. It is a sorry plight, the way in which the issues have been presented on this Bill during the course of this discussion. It has got nothing to do with errors of Mr. Satyannarayan or the mistakes of Mr. Asaf Ali or even the lapse of memory, as it is called, of any individual. That is not the way to judge of measures of this kind.

But I realised one thing during the course of this debate, and it makes me sorry for it ; and that is that those on the other side do not believe that freedom or liberty has got any good influence : They do not also believe that, so far as inculcation of knowledge by the press is concerned, it is any good. It is doing good only if their will is to prevail, if their qualifications are to be given effect to and their restrictions are there. I am one of those on the other hand who is a realist. Some of you may call yourself realists : for you realism is nothing more than that we should acquiesce in what you want us to do. That is a realism which I have not yet learnt. I am a realist in the sense that I fully appreciate the indirect and the direct consequences of every measure that you bring before this House, the effect it will have in the long run on the minds and the education of the people at large ; and that your professions if they accord with your convictions, you ought not to have brought this Bill. We, therefore, believe that you have begun at the wrong end : you are administrators, pure and simple, and it is an unfortunate part that the administrator and the legislator should ever get together in one person. For indeed the executive cannot approach these issues from the larger and broader point of view, except what serves them and assists them, and except what they think will make their work and their task comfortable and easy. It is a matter of no consequence whatever to them what deleterious and deteriorating influence it will have either on the growth of the public mind or men. To them all that matters is a comfortable easy Government. Well, that being their state of mind, of course they say : “ Did I not tell you that, during the course of these years, so many articles were written, and have I not shown that there are so many poisonous articles ? ” And, therefore, what ? Therefore, according to them, the logical result is that they want a measure of this kind to prevent any articles being written. In fact, if I am not doing an injustice to Sir Muhammad Zafrullah, he said : “ If you do not like this, then the logical conclusion is to repeal the whole of the Penal Code.” In other words, if you will not have a restriction on the press, you might as well have no restriction on anything at all, not even theft and murder. If that is the state of mind of the administrator, in which he has placed himself, I agree that there is little in common, that there can be little in common between those who ask this law and those who refuse it : for the way they look at and read history is “ What does it matter ? Some newspapers do this sort of thing, and this is the logical consequence : what does it matter if they are three or five or ten ? ” But do they realise and do they understand how many—and it is a thing which cannot be proved—may have grown but for the baneful influence of your repression ? (Opposition Cheers.)

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I am almost reminded on this occasion, after hearing the speeches that I have done, of the saying that the times are out of joint and men have lost their reason ("Hear, hear" from Congress Party Benches), and I have not the slightest doubt that, if they had not been mere administrators, if they had not been in the position in which they are, I may have appealed to them with better effect, but whether I do that or not, I owe it to them, to say that because the Government require a measure, therefore a gift must be made to them. To such men, with all the high education they have, with the positions they have filled, with the honourable life they have led, it could not be that their honour, rooted in dishonour, stands, because they would vote for the Bill, because they must.

The position, Sir, is this. I am one of those who believe that the matter is not to be tested in the way in which the administrator tests this matter. "I find it difficult to carry on the administration comfortably in my province. there was a little trouble, if you give me a little more power, I hope there will be none". That is not the approach by any decent Government of any kind according to our conception, and I have been assured, and I take that assurance without any cynicism or without feeling that, within a reasonable period of time, we have no chance of so working the Government as to be ever responsible. I take it as a compliment that if the conditions of Government are those which are laid down by Honourable Members on the other side, if the objects of the Government are those which are laid down by Members on the other side. I quite agree, it is not a Government we would care to touch at all. We will certainly carry on and remain under subjection until, whether by means of Satyagraha or any other form of struggle founded on truth and non-violence, we see to it that the Government is what it ought to be, until it becomes in our view fit, to take charge of it and willing to take charge of it to the extent to which we can. After all, who are those who speak of power? They are of us. They might easily have been on this side of the House, and it is a matter of complete despondency to me that we talk as if we have no points in common, as if the one side must look at us with suspicion and the only thing we deserve is suppression, repression, if not extinction. If that is your motive, I am going to make a present of all these motives to you to carry on that Government. We have been under it for 150 years, and we shall remain under it longer, but we shall not touch or assist that type of Government, an expression which again I repeat,—so long as it does not serve the interests of my country, and, in so far as it is against the interests of my country. ("Hear, hear" from Congress Party Benches.) It is, Sir, with these feelings that I rise to oppose this motion. Of course, it is easy to say, "Oh, what have you got to do?" You are not administrators, you can refuse this to us, but you want a vote next time". I do not want to mention the name of the learned gentleman who said it, but I know who said it,—“What is wrong in a vote?”—this is what he said. By your very sentences you entirely give away your case. If my countrymen are going to give me a vote, because I vote against this Bill, what is the conclusion it leads to? The conclusion is that my countrymen think that I was right in opposing this measure. ("Hear,

hear " from Congress Party Benches.) Therefore, what is there so insidious, what is there so base, what is there so wrong, when it was said : " Yes, you will have to face your constituency ". In fact, when that was said, we give an acid test of what the country thinks, feels and requires. If the country is behind us, and if you think that the country will return us, because we oppose this measure, you entirely destroy your own case. In these little personal supposed repartees, the implications for the moment are not perceived. But I welcome the suggestion that if we wish to face our constituency, if we wish to get a vote, we must oppose this measure. Why not ? It is an actual test of what the country requires and demands, not in the comfortable situation of my friend, Mr. James, who can say, you cannot have this, you cannot have that. He is neither the Government, nor one of us (Laughter), and yet how could he say that you cannot have this and you cannot have that. That exactly accords with what I have read in Mr. Ramsay Macdonald's Book. The position of the European in India and the position of the Anglo-Indian press in India is, to the extent to which it subserves their interests, to support the Government, and for the rest of the time to preach to us (Loud Laughter), and I hope and trust that, whenever there is a better purpose in the Government, I would regard them, as I wish they would regard themselves, as members of the same Indian community. (Hear, hear.) And if they do regard themselves as such, I hope and trust, they will not talk in the manner in which they do talk in a very comprehensive term : " Oh, these Congressmen ". That is about all that we get (Laughter) by way of admiration, respect, or understanding from our friends on the other side. Well, Sir, all I can say is this, that before we can proceed to a real discussion of the actual measure which is before the House, we must fully understand the premises from which we start. I am one of those who would ask the House to start from two premises. When a quotation was read out from Sheridan's book, I suppose they all thought,—now it has become a common place,—liberty of the press, liberty of man,—“ Oh,—they are common place, they are no use to us, they are very elementary things, they are all right in schools, to us grown up men, administrators, liberty of the subject is only a secondary matter—restricted as to make our positions comfortable ". If that is the approach, then, I say, it is entirely wrong. You must start from the premises, as civilized men, if you have any intelligence, you must start with the premises that the liberty of man and the liberty of the press are the first fundamentals with which you ought to start before we begin to legislate (Hear, hear), and if you want to legislate in the sense in which you mean, there is nothing in common between us. I am not at all afraid of telling you that if you make your laws worse and worse still, we may some day resort to Satyagraha, and if you stand for that creed, principally of force, of non-recognition of liberty of men and liberty of press, let this House have a present from those who believe in those uncivilized doctrines. I have nothing in common with them, and I do not venture to ask for their vote, and I do not want their vote, and I won't ask for it. Therefore, it is, Sir, that we must start in matters of this kind with great fundamentals. Now, only one sentence was quoted from Sheridan and it was said : " Oh, Sheridan called the press a great engine, but great engines are very powerful engines, and very powerful engines are very undesirable engines, and very undesirable engines are

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very dangerous engines". If I may return that compliment, I may say that engine there (the Government of India today) which moves with all the oil, with all the fuel, with the blood that my countrymen provide, should not be an engine of tyranny. At all events, the engine of press cannot be so tyrannical, but the engine of an autocratic Government can be worse, and we see the plight of this country today. Therefore, we are one of those who stand for two broad principles from different standpoints, and to the extent to which the liberty of the subject and the liberty of the press is to be restricted for subserving the higher interests and the more common interests of society. But when the object is "Oh, you will start the struggle again, you will perhaps expect us to change our form of Government". That is the argument that is presented from the opposite Benches. "You, Congressmen, are going to have a Satyagraha struggle, and then we must beware". And why? "Not because of any bad reason or good reason, but because we do not want to improve, we want to remain, where you are". My Honourable friends may call it birthright or not, I do not wish to use that expression, but I hope and trust that there is something in human mind, some noble quality or character that makes man man, and if that quality is some day raised in us, we hope and trust that we shall struggle,—we shall struggle all the time notwithstanding this Press Act or fifty other Press Acts. (Hear, hear.) Therefore, if you are going to forge instruments, in order that you may destroy the moral power of the Congress, I think you are coming to the wrong house to ask for the passing of this Bill. Whether we get power or not, we certainly shall have the satisfaction of approaching every piece of legislation of this kind from the right angle and the right point of view. All right minded men, be they administrators, or not, will recognise the two principles

I now come to one or two other matters on which this Bill is sought to be justified. I say that this is sought to be justified on the ground that there is a possibility, even a probability, of a Satyagraha struggle in future. We are here to caution you that you, by your own act, are forging the instruments, the very danger which you wish to avert. If you go on making laws suppressing men,—men, if they are men, will struggle, and no amount of administrative authority will prevent the possibility and the growth of that struggle. Then, it is said that there is terrorism, that there is Communism, that there is communalism. I am not one of those who flinch from the fact: "On your own confession you have only suspended the Civil Disobedience Movement, you have not abandoned it, and, therefore, we should have an Act". I make a present of that argument. I do not wish to make the smallest secret of the fact that if you restrain, and unduly restrain the liberty of men, if you do not improve the constitution of the Government as it exists, you must be prepared for a Satyagraha struggle. It is those who are afraid of that confession—my Honourable friend almost gloried in the idea that they had extracted an admission, what they thought an unwary admission from my Honourable friend, Mr. Satyamurti. There is nothing unwary about it, no, nothing of the kind, nothing that we are ashamed of, nothing that we do not believe, nothing that we desire to conceal. But, none the less, we are here to tell you, don't do things in order only to accentuate the situation, so that this struggle may be rendered necessary. There-

fore, please don't bring forward the argument ; " Because there may be a possibility "—yes you do not like Satyagraha, of course you don't. How would you like it ? You do not want to change, you want to retain all the power, you want to retain all the exploitation, and I do not expect you will like it. I am not one of those who is under a delusion that you are ever going to like it, but, at the same time, I want you to know that we shall resort to it in the teeth of any laws that you frame which make it necessary for us to do so. The blame, the responsibility is entirely yours, and not ours, and, therefore, if this Bill is asked for on the ground that if it is made law, it shall put an end, to what ? Not to the exercise of the right of Satyagraha, but to the abolition from human mind of the principle of Satyagraha. Even Sir Harry Haig had a better sense of humour and a better sense of justice than his successor. He said : " We cannot expect,—we can only expect by the word ' suspension ', that you won't exercise the right that you possess, but we do not expect that you will forswear your creed." But his successor goes further. Once people are clothed with authority of any kind, absolute and unquestioned, they have always a habit of mind in which they say, you shall surrender and surrender in the most abject manner. If we are not given the Government that we desire, and, I hope, in the language of Mr James, that we deserve, as early as we can,—Satyagraha is the only means left to man other than force. It is not merely a question of foreign Government and foreign citizen. Wherever there is an undue concentration of power, whether in their own country of England or elsewhere, the struggle by the man to shake off the tyranny of the superior is the rule of life and shall remain the rule of life, and that we shall not forswear our faith in Satyagraha. Therefore, we come back to the two grounds which were stated,—terrorism and Communism.

As regards terrorism, the first point that I wish to make is this. My Honourable friend, Sir Muhammad Zafrullah Khan, read out a few extracts from the speech of Sir Harry Haig at the end of the debate last time in which he did refer to terrorism and Communism. I have again made myself sure, and I do not wish to go over the ground once again,—I have made myself thoroughly sure, the words that he has used are : " The object of the Bill, the purpose of the Bill can be described in two or three words, Civil Disobedience Movement." Not only that, but I think those on the other side, clever administrators as they are, cleverer lawyers as they are,—I am sure, they will understand the implication. If these were the evils which pre-existed before the Civil Disobedience, which were intended to be dealt with by the Act, there could be no meaning or purpose or sense in limiting it to three years. With such logic as I possess, and I commend this view to the rest of the House, it is impossible to believe that those permanent evils as they are called, if they were to be met by means of this legislation, there could have been any question of limiting to a period of years. Therefore, it is beyond all doubt and beyond all question that it was intended for the purpose of meeting only the Civil Disobedience Movement. It only illustrates the fact that, once power is enjoyed, it is difficult to give it up. I remember reading all these questions and answers in my solitude at Nasik. Sir Harry Haig went on enlarging the formula from time to time. First he said, the moment the Civil Disobedience is suspended, the extraordinary laws will all cease to operate. After a little time, he became a little more alert and vigilant. He said, but not for a period of six months, it may be—

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in the language of my Honourable friend, it has become a little fashionable,—a camouflage, and, therefore, we must wait for a period of six months after the suspension to see that it is genuine. If it is genuine in the sense that for all time you will have absolute Government and we shall be subject citizens, then you are satisfied. But if you mean that this suspension is *bonâ fide* in the sense in which such struggles and cessations of them are *bonâ fide*, you must take it from us that it is a *bonâ fide* suspension, and, therefore, that period of six months and more has gone. And, yet, when the vision of the next December comes, these laws would not be there, the *Yugantars* will rise.

The picture that my Honourable friend painted is all right as an advocate. It is all right for an advocate, but if, out of 1,600 newspapers circulating in the country with millions and millions of copies, if you take the 365 days of the year, and these things are printed and circulated by the millions, if you can only pick up this yellow pamphlet and the one-and-a-half hours' speech of my Honourable friend, that has proved our case. I venture to say that it is impossible that, out of 1,600 papers, multiplied by 365, omitting Sundays we should have 313 days,—that you should be able to pick up a dozen or 100 articles during a period of one year, the very exception proves the rule by the very confession of those who seemed to think that they have made out a case from labours and pains to which they had to go in order to print a pamphlet with translations and a few more cases, as my Honourable friend, Mr. Govind Ballabh Pant, said, if it were brought up to date. But, with all your resources, all your powers, all your Secretaries, all your C. I. D.'s, if you can only produce instances of the abuse of the power to the extent and in the manner it exists today, then, I say, you stand self-condemned. That is to say, you have not made out a case for the purpose of renewing the powers that you want. I will not repeat the arguments that were addressed to the House as to the manner and the effect of this legislation or the other argument that the number of convictions bear such an infinitesimal proportion to the number of publications. I put it to you as ordinary normal men, if, out of thousands and thousands of daily publications, you can pick up only a hundred or two, leading to violence or incitement to violence, you can please yourself and say "how nice, how good, how spicy". But the fact remains that the number of articles which the Government have been able to produce as the best specimens of those which have been the subject of their research from the year 1922 to the year 1935, and the number of prosecutions that they have produced prove the contrary. You may turn round and tell me "You must remember that there were periods when the press law was not in existence". I am going to read to you with your forbearance a short statement from a journalist whose probity, whose integrity and whose moderation, a favourite word with you, is beyond all question. This is what he said at the last Journalists' Conference which was an altogether representative gathering, if you look at the number of editors and pressmen who were present. Mr. Ramananda Chatterjee said this :

"Friends, I wish to remind you that, though capital punishment has either been removed from the Statute-book or fallen into abeyance in very many civilized countries it not only exists in India, but may be has been inflicted on newspapers without any trial, without a trial by even a court martial. Securities are demanded again and again, and finally there may come the extinction of the paper concerned and even the confiscation of its press. It is often a long-drawn affair, which ordinary executions

are not. I have no doubt this subject of capital punishment by instalments, inflicted on newspapers, will receive your attention."

You are very fond of indulging in the phrase "A Government must govern". I dare say, it must; but I hope there are those on the other side who also realise that there is another side to this case. If they say that the Government must govern, I hope the citizens will turn round and say: "Yes, only so long as you properly govern". They seem to think that there is no second side to this question. They seem to think all the time "We know what is good for you. You don't know what is good for you". They seem to think that these few articles are responsible for creating the terrorist activity. I should like to believe that that type of mind is honest. Imagine asking us, on the basis of these few articles, to believe that the newspapers are responsible for bringing about this terrorist activity. We are not such credulous fools. There may be others who are prepared to believe it, but none on this side at all events. You want us to believe that because a few articles are written, therefore springs up a terrorist at the other end of the psychological factory. I ask you not to be under any such delusion. I understand, the Honourable Member, who comes from the Midnapore district, is a man of great erudition, great education. I ask him to read the history of the world. There has never been a revolution in this world which has not had, as its immediate and proximate cause, the tyrannical abuse of powers by those who govern. Of that you may be quite certain. Therefore, it is not the newspaper which creates the terrorist. It is the state of the country's subjection that creates it. I am here to say what is the root cause which is responsible for bringing the terrorist into existence. The French Revolution was not created by Voltaire or Rousseau. It was created by the grinding condition of the peasantry at that time. You may, therefore, take it from me that we are not such children as to be taught by you that terrorists are produced by the *Yugantar* or some other paper raising its head. We are not going to accept that proposition. I admit, it is undoubtedly an evil. We are of those who do not stand for these methods. We condemn these ways, but how can we, as human beings, deny that those misguided fellows laid down their lives for something in which they did believe. You may deny it if you like. You may call him a criminal, but you cannot deny, that however wrong and misguided the man and however atrocious the crime, that there was at the back of it all a noble motive which impelled him to lay down his life. You cannot ask me to dismiss it altogether. I am going to condemn him. I am going to tell you that you have rightly killed him, but I am going to tell you at the same time that you created the soil which made it possible for that sentiment to grow and but for which he would have been a better and an innocent man. After all, I shall ask you: "why does he do it?" Is it out of mere frolic? No, because he believes, wrongly I admit, that, by doing the act that he does, he is going to achieve the freedom of his country. What is wrong in making that statement? I am not feeling so abashed or downhearted at being heckled by anybody else as my friend Pandit Krishna Kant Malaviya. (*Pandit Krishna Kant Malaviya*: "I am not abashed.") I mean you can easily exaggerate these things. Have some sense of proportion in the words of my friend, Sir Muhammad Zafrullah. Have some sense of justice. Have some sense of propriety. Don't expect me to render my allegiance to you under all circumstances. That you will not have. That you will never have and that you do not deserve in the

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words of my friend, Mr. James Therefore, you must not look at these matters from the way in which they are looked The revolutionary commits crimes, and, yet, when it is a successful revolution, it becomes the Government established by law in the eye of constitutional law So let us not go into hysterics over these things I cannot deny that it is an evil which must be met in the best way you can You may not accept our view, but we believe the proper method is to eradicate the cause. You believe that the proper method is to suppress it for the time being. Well, whether you succeed in suppressing it or not, it is your own business. I know you will tell me : " you are not there to govern, you don't know the business " Sir, thank God, during the public life I look forward to, I won't have to handle the heritage of this type of Government.

I now come very briefly to section 5, and seeing that I only have a quarter of an hour, I shall go over each section very briefly, without dilating upon it.

The Honourable Sir Henry Craik (Home Member) . Take as long as you can

Mr. Bhulabhai J. Desai : If you prefer it, certainly. Sir, I am one of those who believe that, if I am likely to convince you—I should present you my case, and I want you to take it not merely as a case placed in the way which it has been sometimes placed ; I want you to believe that we start with some accepted principles of human life, conduct and construction of society ; and if I start with these principles, if you believe them in your own land, do not think that we are so low, we are so depraved, we are so degenerate that there are different principles to be applied in our country. Thank God, we at all events, during the last few years, have come to think and believe that we shall be men enough to observe the application of the same principles which are applied in most civilised societies anywhere else : and, if you think we deserve a lower treatment, at all events I appeal to my friends on the other side who think with me : " Don't, for your own honour, associate with them." (Hear, hear.)

Sir, I come now to section 5. There is only one observation I have got to make on that section 5. There was a certain amount of confusion—whether it was a misunderstanding or not, I cannot say ; but I think my Honourable friend, Sir Zafrullah Khan, will not deny that section 5 makes punishable that which, by an act of the executive, has been regarded as unpublishable, so that you begin with that assumption. Then, what it makes punishable is its circulation or repetition : and it makes it punishable if the Local Government has certified that the passage published contains, in the opinion of the Local Government, seditious or other matter referred to in section 4A, and so on. I, therefore, say, Sir, that is *par excellence* executive upon executive ! There is first the executive order of proscription, there is the second executive order of certification that it is seditious,—and, on that, well, what has the devil of a magistrate got to do ? All he has got to do is this He asks : " Is this article proscribed ? " The police-man says : " Yes." Then he asks : " Is this the writing certified ? " The police-man says : " Yes." Then he says : " Sentenced to six months." (Laughter.) You seek to clothe certain things with forms of law, because you yourself are afraid that naked autocracy will expose you to a certain amount of disgrace. What

happened during the last Civil Disobedience Movement? Take my own case. I was arrested one fine morning and taken to Nasik on the allegation that I was disturbing the peace of the land. I was detained there for two months. I am going to show you, Sir, what this "law and order" is of which you are so proud, and what "law" is of which you are so proud. Sir, if this is "law", you must be prepared for its disobedience. (Hear, hear.) Then, a very suave Secretary to Government comes round and says: "I have got an order for you, because you are going out tomorrow. You will remain within the precincts of Nasik in which you have got no house, no food, no water. If you get out of that place, you have committed an offence". Imagine the word "offence". Having done that, the magistrate comes on to me after two or three days. I happened to remain in the city, because I wanted to meet my children; and, at the end of three days, the magistrate comes round and says: "It is very inconvenient, Mr Desai, you can neither practise your profession nor do anything else. What is the good of that? Why don't you do this? If you drive past my Bungalow (*that is, a furlong outside*), you thereby commit an offence. Then, your car will be boarded by my Deputy Inspector of Police. Then, you will come to my house; you do not want to embarrass us by a trial Court which is sure to attract large crowds. Then, I will punish you. And, then, I will send you to jail". (Laughter.) Sir, this is what you call "law", "justice", "trial"! Instead of that, it would have been much more honest, much more straightforward, during the course of that movement, to say: "I suspect A. B. I sentence him to five years without any trial on the mere order of the executive Government that he be imprisoned for a period of five years". But they realise, shrewd as they are, that they must make it appear to the people that a magistrate has tried me for an offence: and, therefore, it is with a view to creating a false, deceptive effect upon the mind that you resort to these mere forms (Hear, hear.) I would, rather, that the executive had the power to confine in jail a man who they did not like. Therefore, you are at pains to invent "forms",—and we, Sir, are here to make them "naked" and make them out to be atrocious which they are. (Loud Applause.) What you want to do is to put in a section under which a man will be taken to a magistrate, then a certificate will be presented and everything else leading to a conviction. That is what happened to me. "Imprisonment for two years, and Rs. 10,000 fine"—for what? "You went out of Nasik". Is that an offence? Sir, I never knew travelling in India was an offence,—but that is your executive law, those are the "laws" you expect us to obey, and, if we do not obey it, you say it is a breach of law and order! You create the "law breakers" by the very hypocrisy of your ways. (*Cries of "Shame, shame."*)

Then, take section 8: picketing. My friend, the Law Member, said he had looked up some law, and, well, I also have looked up some law, but the question is not if either of us have looked up the law, but what is the section? My friend, Mr. Satyamurti, pointed out that if a man uses any force during the course of the prosecution of his aim to picket, he is punishable and I hope it is correct. I hope it is also correct that there is such a section as section 504 which makes insult also an offence. Therefore, if you use force, if you use insult as part of your propaganda of picketing, you are within the mischief of the law, and, therefore, you will be punished. But what you want is something more. Even though

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a person may not use force, even though he may not insult, you want to prevent him from peacefully telling a man what he owes to his country, and that you call "interference with the freedom of contract". Sir, is there no such thing as public opinion? Freedom of contract, to do what? To starve my children and feed the foreigner? Sir, that is a freedom of contract which my countrymen do not want. (Hear, hear.) That is the mischief which I am up against. It is no use telling me what a few boys did at a cinema; because a particular instrument may be debased, therefore its use cannot be made punishable. The fact remains, what you don't want is, what you don't like is that my countrymen should have freedom, and I have had some experience of picketing—I claim it with some measure of pride—in the year 1932, from the 4th January to the 25th July. I have been a witness to a young woman standing with her hands folded as a mere indication that people going to buy foreign articles do the wrong to their country. You cannot take the bread out of your children and feed outsiders. If it is wrong, I think we must be allowed to do the wrong. If you make that punishable, we cannot help seeing the sinister motive behind it, and the assistance that you give for any legislation of this kind is an assistance which is fraught with danger to my country. We wish to preserve the land. Who daresay that picketing is unlawful in England? I know myself of a case, and, I am sure, many of you must have read about it. There was a foreign woman who had the misfortune to own a milliner's shop in Bond Street and ladies in the highest society in England caused it to be shut down in a period of four days. I wonder which Government would have regarded this act as punishable. Therefore, it is no use saying that if you promote Swadeshi, it is not punishable. If you do that without resort to picketing it is like tying a man's legs and then asking him to run. You have to say that we can encourage Swadeshi, because you have to pay lip respect to accepted nationalist principles, and you have to pay respect to things which even out of decency you cannot deny. Therefore, you must say: Practise Swadeshi. How can you say that you want to prevent Swadeshi? You won't be able to see your own face. Therefore, you have got to say: Promote Swadeshi, but do not peacefully persuade your countrymen that it is in the interests of your own countrymen that they should buy your goods and not foreign goods. It is a piece of nationalism; it is a piece of national right, and it is a piece of national duty which, whether it was an offence or not, we shall continue to do. Sir, I am only trying to point out to you that every section of this Act is aimed at the destruction of national spirit, national life, national movement and national regeneration. It can very easily be said that there is terrorism, there is Communism or some other "ism" and, therefore, this law is needed. I hope my Honourable friend, Mr. Yamin Khan, won't say that there is communalism in it.

Mr. Muhammad Yamin Khan : Picketing.

Mr. Bhulabhai J. Desai : Is picketing communalism? Well, Sir, I will pass on. I have no time, and, therefore, I will not deal with the question of cognizable and non-cognizable, and so on. My friend said: We must make it cognizable, because the poor devil of a shopkeeper may not complain.

millennium which the learned Leader of the House talks about. He has not even cared to look at the section. That section is this :

“ In sub-section (1) of section 4 of the Indian Press (Emergency Powers) Act, after the clause.....[*I shall only read (1) because that has been the subject, at all events, of a well-known prosecution*] (1) which tend directly or indirectly to bring into hatred or contempt His Majesty or the Government established by law, or to encourage, or incite any person to interfere with the administration of law.”

Now, Sir, I wish to present to the House the views that have been held by the three High Courts in India. not so much because they are the views which cannot be otherwise expressed, but because of the great respect that you have, and when you have seen the exposition of what this section means and involves, I trust you will appreciate it. The first judgment to which I wish to call your attention has already been referred to, namely, the judgment of Sir Lawrence Jenkins. My Honourable friend, Sir Muhammad Zafrullah Khan, interrupted the reader and said : “ Oh, you have read only the first portion · what was the rest ? ” I will tell you what the rest of it was Take that very case, and do you know what he said ? He said :

“ I have read the article It is an honourable article , it is a proper article. But the whole process of the law (*in the language of your judgment in Madras, Sir*) is reversed.”

If you are called upon to show cause why you are not within the section. That is the first objection. The second objection is that the Judges have in all the three cases held :

“ In our opinion, all these are perfectly innocent writings.”

The first of these articles was by my late lamented friend, Mr Mohamed Ali, the second was by Dr. Annie Besant, and the third was by Pothan Joseph, the editor of the *Bombay Chronicle* In all these cases, be it said to the credit of the judiciary, they all said :

“ We are helpless ; we are the minions of the law , and we cannot help them.”

This is the law you now ask us to pass. Therefore, be careful that you do not lay down any such rules. Sir Lawrence Jenkins, in agreement with Sir Abdur Rahim, held in this case :

“ There is no article on earth, however innocent, which does not come within the clutches of this law.”

That was the reason why my friend, Pandit Govind Ballabh Pant, dared ask that question to the Leader of the House, but he evaded it, because there was no other way of getting out of it. Dr. Annie Besant wrote about Home Rule, and His Lordship was obliged to say :

“ Who can say that it may not tend indirectly to do something of that kind

Now, with regard to contempt. You must earn respect, you must deserve respect, you cannot enforce respect. Therefore, I say that the matter of contempt is a matter of mutual accommodation of conduct on your part with a reaction on our part. If, therefore, you are going to make contempt punishable, because, forsooth, by any act of his, your officer may make himself worthy of that contempt, then you should not make that punishable in the manner you have done. No justice loving man, no man who loves the liberty of the press will ever stand or vote for this measure. It was assumed throughout the course of the argument, but nobody ever approached the question from the point of view of the all-embracing

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nature of the section. Sir Lawrence Jenkins pointed out that even a standard work of literature can easily come under this Act. I am quoting his actual words. Supposing I say liberty is good and we must struggle for it, I am quite certain that you will say that it tends indirectly to bring the present Government into contempt, and we are trying to get something out of you. Sir, there are so many ways of getting at us by means of this law, and it is so comprehensive, that I must, at all events, give a few words which I cannot help reading out to you. I have always seen that when laws are passed purely on broad grounds without consideration of the language which it is intended to hit, it proves a most powerful and potent instrument of mischief in the hands of the administrator. I will give you a modest instance that has occurred. In the year 1908, by creating a scare which perhaps might or might not have been justifiable, the Criminal Law Amendment Act was passed. Every Member on the other side who got up—I have read their speeches—said that there was so much murder in the land and also looting and other forms of offence that it was necessary to put it down. Therefore, they must have the Act. And the section ran like this. Whereas, etc., etc., an association which is likely to be carried by violence may be declared unlawful, and also any other association which, in the opinion of the Government, is likely to cause breach of peace. I am one of those who, in the first Civil Disobedience Movement argued numerous cases before the High Court of Bombay, and I put it to their Lordships of the High Court: “Do you really mean that an association which is, we shall say, a praying association—all that the Government have to do is to say that a Congressman is in charge of it and so declare it an illegal association, and, as soon as it is declared illegal, that association comes under the operations of section 17—should be called an unlawful assembly?” I did my best to ask him to say, for at least heaven’s sake read the words ‘assisting illegal operations of an illegal association’, but the Judge said “No, if you assist the operation of any association, whatever it may be, you must be declared unlawful.” That is how the Statutes have always been abused. Therefore, I never rely on any statement of any assurance given at the time (Hear, hear.) Instances have occurred in the past where assurances have been given. In fact, two instances have been given. If a man on this side of this House gets up and says something, on the other side gets up my Honourable friend, Mr. Griffiths, and says: “How mild these provisions are. I have never seen more mild provisions.” May I ask him, when some one of us is prosecuted and when somebody else is the Judge, Mr. Griffiths will not come and help us, and yet he says this is the law by which an unconscious and unvigilant and stupid people are scared away and they want to oppose such a simple and mild law. Now, I will read a passage from that judgment of Sir Lawrence Jenkins. Sir, this is what the Judge says:

“The Advocate General has admitted, and, I think, very properly, that the pamphlet is not seditious and does not offend against any provision of the Criminal Law of India. But he has contended and rightly in my opinion that the provisions of the Press Act extend far beyond the Criminal Law; and he has argued that the burden of proof is cast on the applicant so that however meritorious the pamphlet may be, still if the applicant cannot establish the negative the Act requires his application must fail.”

That is precisely what happened to us. We have once had a law which was assumed by many of the Members opposite including my

Honourable friend, Sir Zafrullah Khan, and that law was the Criminal Law Amendment Act, and, as that law is there, the present Bill is its logic. I have not dealt with these two sections of forfeiture, because I do not wish to exceed my time limit. If there was logic, how did it escape them in 1908 ? There is no logic in this sense that you want to cast your fangs or net much wider or longer in order only to suppress us. I say, we will not be suppressed. It is in that way, therefore, there is no logic. You have got to the point of declaring an association unlawful, and yet you may not carry all the provisions that you have hitherto given, because, if you were logical men, if your draftsmen were not stupid, I am sure, they would have known how to draft this Bill in 1908. But they did not then do so ? With reference to what ? With reference to associations professedly committed to violence and murder, and yet they did not think it right to add those provisions about forfeiture.

“ If the applicant cannot establish the negative, the Act requires his application must fail. And what is the negative ? ”

Please hear the negative. It will throw some light, it will have some little open windows which please do not shut them out.

6 P.M.

“ It is not enough for the applicant to show that the words of the pamphlet are likely to bring into hatred or contempt any class or section of His Majesty's subjects in British India or that they have not a tendency in fact to bring about that result. But he must go further and show that it is impossible for them to have that tendency either directly or indirectly and whether by way of inference, suggestion, allusion, metaphor or implication. Nor is that all, for we find that the legislature has added to this the all-embracing phrase ‘ or otherwise ’.”

What I wish to point out to my Honourable friends is this. The language of the section is such that none of us know in what way a man may be caught. It is all very well to say, do not read the section, leave it. It is all very well to speak about some *Yugantar* or *Sandhya*, there is no ratiocination, there is no logic. It is all very well to have the *Yugantar* at one end and the terrorist at the other end and squeeze all the rest in between for argument. This is the way this case has been argued by the other side, and, I, therefore, do beg of every Member of the House, after he has known the wide implications, I would appeal even to my Honourable friend, Mr. James, that he will not stand for a piece of legislation that enables the Government to forfeit the security and ultimately the Press, with the aid of that all embracing section which in the wisdom or unwisdom of Government, it is possible to make an order against and the negative cannot be proved.

Sir, I have done. I shall summarise my points in a few sentences. I say, Sir, it is perfectly useless to state in a legislature : “ This Bill will not affect you. It is a very innocent law. You will not be hurt, only the wicked press will be hurt ”. These are the kind of arguments that no responsible man, no sensible legislator, no people who have the power and the initiative of legislation of a big land consisting of one-fifth of the human race will take seriously. They must take their task very seriously and very earnestly and not in this flippant way. They seem to think : “ It is enough for us to say, Oh ! it will not affect us, it does not work hardship to us ; the laws are made and they are given by the Government in their beneficence and not to create any hardship ”. That is not the test to look at the law introduced in the Legislature. The test of a good law is the necessity of it, its propriety, its subservience for the good of

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the society ; there is no other test and we stand by that test. We say that no man may curtail the liberty of another man or the liberty of the Press unless it is required to subserve the important purpose that we may hold dear, and, starting from that premise, I have examined each section and each point of view, and, for the reasons I have given, I oppose the measure (Loud Cheers)

Mr M. Asaf Ali : Sir, I move that the question be now put.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the question be now put ”

The motion was adopted.

The Honourable Sir Henry Craik : Sir, I am glad that we have come to a point in this debate on which the entire House is in agreement, that is that the debate should now end. There is no one who is more heartily in agreement with that than myself. In approaching my task of winding up the debate, I would most seriously ask for the forbearance and the indulgence of the House. In the first place, the House will agree that a mere administrator like myself, in the Honourable Mr. Desai's opinion almost the lowest of human beings, is handicapped by having to follow two extremely eminent lawyers ; and secondly, I am handicapped by the fact that a strong sense of duty has kept me in this House during the six days of the debate. I think I can honestly say that I have not missed, almost literally, one word of what has been said, and while my Honourable friends on each side of me and my Honourable friends opposite were free to slip out and enjoy cigarette or a cup of tea or whatever form of solace they prefer, I have sat here. “ The boy on the burning deck ” was not in it ! Thirdly, I am the only person taking part in this debate twice, the only person who is privileged, or rather I should say who is under an obligation, to speak twice. I can tell the House in all honesty that if there is one thing in this world that I dislike more than listening to speeches it is making them. I am profoundly bored, as I have no doubt a great many in the House are, with my own speeches. I have the deepest sympathy with that eminent statesman, the late Duke of Devonshire, who is credibly reported to have fallen asleep when addressing the House of Lords. I am in danger of doing that myself. I will do my best to be brief as I know the House is weary and wants “ to cut the cackle and come to the ‘ osses ’.” But, before I come to my two main points, there are one or two small things which, if the House will allow me, I should like to clear up. The first is in regard to section 5 of the present Act, which the Leader of the Opposition referred to in tones of some indignation. I do not think it is generally understood that when Government proscribes a document, book or newspaper, that action in my experience,—and my experience is fairly wide,—is in at least three cases out of five taken on the complaint of the person who feels himself insulted or aggrieved by the document. And speed is of the essence of the matter. If a document is to be proscribed, if it is a really harmful document that grossly insults some other person in his religious beliefs,—and that is the commonest case in which the section is used,—proscription is useless unless it is done at once. And if that action could only be taken after a court had come to a finding that the document was

sedition or offensive to the religious beliefs of other persons, then that action would be perfectly useless. I can give an instance of that which will be within the recollection of many Honourable Members. Some years ago, I think it was in 1926 or 1927, a book was published called "Rangila Rasul" which was taken by all Muslims as a gross insult to their Prophet. Feeling after the publication of that book ran extremely high, so high that if Government had not taken prompt steps to proscribe it and to seize all available copies, there undoubtedly would have been communal rioting on a large scale in many places in the Punjab. As it was, the author of that work was subsequently murdered by some one who took the insult to heart. That, Sir, is the sort of thing with which the ordinary law does not profess to deal, and my point is that action of that kind, if it is to be effective, must be taken at once without the delay involved in a reference to the Courts.

The second point that I should like to take up is the one made by my Honourable friend, the Leader of the Opposition, in regard to picketing. He repudiated with great scorn the argument that picketing is an interference with the freedom of contract. "Nonsense" he said; "The only sort of contract it interferes with is the contract that I shall starve my children in order that the foreigner shall benefit". That is a two-edged argument, because picketing may be carried out not in the interest of the whole community, not even in the interests of that part of the community which is represented by the Congress, but in the interests of one section to the detriment of another. Oddly enough I have here an article which has appeared in the last few days in a newspaper called the *Malap* of Lahore, a Hindu organ of the strongly nationalist type. It reproduces an article from a Hindu paper of Peshawar, the *Frontier Advocate*, also I understand a nationalist paper. This article complains bitterly of picketing going on at present at Nowshera Kalan, picketing by Muslims of Muslims who go and buy things in Hindu shops. "Buy Muslim" is the latest cry, and possibly,—I do not deny it,—a very legitimate cry. But some Muslims are picketing in order to prevent other Muslims from visiting Hindu shops, and indeed the article alleges that if the picketers catch one doing so they blacken his face, and the Hindu shopkeepers are not unnaturally protesting. My Honourable friend, the Leader of the Opposition, was a little premature in denying altogether that there can be anything communal about picketing. Here is an instance of picketing on communal lines that is going on at this moment.

Another point that has been taken by both the Leader of the Opposition and the Deputy Leader is this yellow pamphlet of 25 pages. The line they have taken is: "Is this all that you can show of undesirable writings in the press? Here you are with your great Secretariat at your disposal and all that you can produce is this little thin pamphlet of 25 pages." I admit, Sir, that this pamphlet might have been made a great deal more effective, but as I said in my opening speech, I have in dealing with the press such an enormous mass of material that my difficulty is where to select. Here is my mass of material, 429 foolscap pages of extracts of seditious or inflammatory or communal writings in the press; in the case of one province there are 53 pages alone of extracts between the expiry of the first press Ordinance and the promulgation of the second one, a period of less than six months. Any Honourable Member who cares to wade through this mass of sedition, incitement to murder,

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obscenity and vulgarity is welcome to do so, but I warn Honourable Members that it takes a strong stomach to get through more than a few pages at a time. There is, therefore, no force in the argument that this yellow pamphlet is all that we can produce.

I should like to go back, if I may very briefly, to the argument put forward, notably by Mr. Satyamurti, that the ordinary law is sufficient to deal with the worst sections of the press, because that argument led him to make in the course of what I thought at the time an excellent and well-reasoned speech a somewhat personal attack on myself. The Honourable Member was arguing that the ordinary Penal Code is sufficient for punishing offences committed by the press and he was dealing with my argument that it is not so because of the common device of the dummy editor, and the impossibility of securing the conviction of the man really responsible. He said that if there are people who go on abetting these dummy editors why don't we get hold of them. I said we cannot prove it. The Honourable Member then entirely shifted his ground and said: "Therefore, you punish innocent people against whom you cannot prove the guilt. That is the greatest confession you can make against this Bill; you cannot prove a thing and yet you must punish him." I said that we know it, that is who is really responsible. And then the Honourable Member said something which I know he did not mean and which he would not have said if he had not been carried away by excitement. He said I knew nothing. I think the Honourable Member has not really appreciated the position. What happens is that a newspaper is registered with a dummy as editor. The dummy is usually, as I have said, an *accu*-convict for whom the jail has no terrors. He has no legitimate duties to perform though possibly he may be used to lick stamps or post letters; but his job is, when there is a conviction, to go to jail. I quoted the case of two newspapers within my knowledge which had been prosecuted, I forget now how often, but certainly six or seven times in one year, and in each case the dummy editor went to jail. The Honourable Member wants to know why I cannot get the man who is really responsible. In each case, I know perfectly well who the person is; everybody knows it and he himself glories in it; he is the proprietor and of course the real editor. But how can I get him? The only way would be if I could find in the press a manuscript in his handwriting. But they are too astute for that. Directly a manuscript is set up in type, it is torn up, and there is no possibility of proving the authorship. We have tried again and again. The device is like so many of the ingenious tricks thought out by the man who starts to get round the law. There is no flaw in it and indeed the device of the dummy editor goes on even under the present law. But my point is that the Honourable Member was wrong in thinking that the ordinary law is sufficient to catch these people; and moreover there is this about the ordinary law, and this argument has not been met by a single speaker on the other side of the House. The ordinary law may in certain cases, if it can be applied, punish the evil doer; but the mischief is done. What we aim at is not to punish the evil doer but to prevent the mischief being done; and that applies with peculiar force to the case of publications in the press. It is little or no use punishing a man who publishes an article inciting to communal hatred or to murder, because before you can punish him the mischief is done. The whole virtue of this

law is that it is preventive and not punitive. As I say that is an argument which no speaker on the other side has even attempted to meet.

Another point that has been taken is that this law has been used with such severity that 400 or 500 newspapers or presses that had applied for permission to start had not in fact been started. The retort to that is, is it after all so very serious a thing that the country should be deprived of 400 or 500 newspapers which were intended to be run by men of so little substance and so little responsibility that they could not get a backer to pay up 500 rupees or a thousand rupees as guarantee of their responsibility? Some Honourable Member, I forget who but I think it was Mr. Joshi, rebutted that argument by saying that it was most unfair that these poor men should not have an opportunity of making their livelihood as journalists. I do not know if that argument is put forward seriously, but really when you consider the character of the mushroom class of Indian newspapers it is, I think, very difficult to say seriously that the country is the poorer because there are 500 fewer of them than there might have been. Really is journalism, either the editing of newspapers or writing for newspapers, a profession that ought to be taken up by a man who is entirely penniless himself and of so little repute or so friendless that nobody will even put up a few hundred rupees to guarantee his responsibility? In that connection the House may be interested to hear that some years ago a very respected and very eminent journalist told me quite seriously that at that time—it was when the Press Act was not in force—if you put up Rs. 50 you could find someone to start a newspaper. This was in fact constantly done. It might only run for a day or two: its sole object would be blackmail or something like that, but there were dozens of people prepared to come forward and declare themselves as editors of a newspaper which they knew had only Rs. 50 behind it and whose sole object was to attack or blackmail some individual; and, mind you, it is very often a paying proposition. If one man pays you Rs. 50 to start this newspaper, the odds are that the victim would be quite ready to pay Rs. 100 to stop it, and there you are in a vicious circle. My friend told me this quite seriously, it was no exaggeration—he knew perfectly well what he was talking about: he is dead now but he had been a working journalist all his life.

I am afraid I have taken longer than I had intended over what are really preliminary points and of comparatively minor importance. I come now to what is certainly the part of the Bill that has attracted most of the criticism—I mean those sections which continue the existing Emergency Press Act. I think it is important that the House should bear in mind that while the press is, I quite agree, a potential engine of the greatest value to the country, it is also a potential engine of the greatest evil. There is no medium or no machinery which can be used to the harm of the country so easily as the Press, and I am not exaggerating when I say that in India there is a certain section of the press—I hope not a large section—which is constantly so used. This section of the press owes allegiance to no principles and to no party. It is run entirely for personal profit and generally run for the personal profit of a single individual. Such a newspaper to gain its profit must be right in the swim. If sedition is the fashion, it must be as seditious as possible. If communal unrest is in the air it must seek out and publish causes of unrest and give currency to rumours likely to fan that unrest. It is journalism of that

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kind and presses that feed that journalism that this Act attacks ; but not newspapers with a proper sense of responsibility and balance.

Now, I am afraid this argument has been used before, but it is so essential that I will repeat it very briefly : the experience of the three periods within which press legislation was suspended has shown, I think, conclusively that directly that legislation is suspended the deterioration in the tone of a certain section of the press is serious and immediate. It seems to me as certain as that the day follows the night that if we again relax those provisions, exactly the same effect will be produced ; and if any one does not believe that, they have only to turn to the speech made by the Honourable Member, Mr Krishna Kant Malaviya, who claims to be a working journalist. If anything said in this debate has been a strong argument in favour of this Bill, that speech was, because, even now, when this legislation is in force, the Honourable Member comes forward in open praise of murderers. It seems to me idle to assert that the same result will not be produced again if we take the same action as we took on those three occasions and relax this law. While on that subject, I would like with great respect to refer very briefly to what Mr. Bhulabhai Desai said in summing up his opinions about that speech. I cannot quarrel with the views he takes, that is his own affair, but I think that though he put his point of view extremely shrewdly and extremely cleverly, I must, I fear, differ from him at least in this, that even if he feels like that, it is a pity that he says so publicly. He is perfectly entitled,—I do not deny for a moment,—he is perfectly entitled to think of these people as brave and misguided youths. Personally, I do not share that view at all. If I have formed any views about them, I would look on them rather as mad dogs, as dangerous animals ; but even if he holds that view, I must say it does seem to me unfortunate that he should give expression to that view in public, not of course that it is likely to have any effect on sensible men of mature years, but I do think that when a leader of his eminence publishes such a view, it is exactly the kind of thing which does have or is likely to have an effect on immature minds.

Now, Sir, I have done with the press sections, and I have no doubt everybody will be relieved at hearing it. The main argument of a good many, but not all, of the speakers on the other side against the whole scheme of this legislation seemed to me to be based on a denial that the dangers which I apprehend existed at all. They took the view that these dangers existed only in my prolific imagination, that as a matter of fact there is no terrorism, that communal unrest does not really exist, and that communism is a figment of my brain and nothing else. Of course, it is useless to dispute with people like that, because I do not know what their sources of information may be and they do not know what my sources of information are. I will only say this, that if there can be any efficient part of such a universally condemned machine as the Government of India, it seems to me that it is its intelligence system, which is extraordinarily wide, extremely prompt and is, in my opinion,—possibly other Honourable Members will not agree,—very shrewdly drawn up. And my information,—I happen to be more or less at the centre of this system,—definitely is what I stated to the House, namely that terrorism, although there has been some slight diminution in Bengal, is by no means dead. Within the last five months we have had, I think, 25 terrorist incidents.

Three of them were murders, one a very determined, but fortunately not successful attempted murder, and the rest of them dacoities, robberies, the discovery of arms, the discovery of bombs and so on. Now, by no means all these incidents were confined to Bengal. Eight, I think, were in the United Provinces, one, the attempted murder to which I referred, was in Ajmer, two were in Assam, and I think one or two in Bihar and the Punjab. These are all incidents that have occurred since the 1st of April last. In the face of that, it is idle to assert that terrorism is a mere bugbear, and that as a movement it is dead.

As regards communal unrest, all I can say is that every Local Government informs me of incidents that are portentous and threatening, and the whole country knows that since we last met, there has been bloodshed at Ferozabad, at Champaran, at Lahore, and only the other day at Secunderabad, that is to say, in the United Provinces, in the Punjab, in the South of India and in Bihar. There again, it seems to me that you are merely behaving like the ostrich and burying your head in the sand if you say that danger exists.

As regards Communism, much less is known about it, because as I said before it is a movement that works secretly and underground, but I suppose I am in a better position than any one else in this House to know what there is to be known of its methods. I do not assert that Communism is a movement which is likely to come to the top in India for some years to come, but undoubtedly it is a dangerous movement and one which is likely to raise its head when it finds a favourable opportunity, and when it does so we must have weapons to deal with it.

The denial of the existence of all dangers was not, however, the view, as I have said, taken by all speakers on the other side, and notably, I think, it was not the view of the Honourable Member from Madras. I don't think he denied for a moment the existence of the dangers which I foreshadowed, but he took the line - "Oh, yes, those dangers may be there, but we can deal with them perfectly well under the ordinary law, and as for future Governments, they can deal with them perfectly well without special laws." Well, now, I sometimes wonder whether optimism so complete as that of my friend deserves our admiration, or whether we should weep at its pathetic side. The Honourable Member has cast himself for the rôle of Chief Minister under the new form of Government and I sincerely trust that he may live to realise that ambition; but let him remember that most of his friends, at any rate all of them who know that they themselves have no possible chance of ever securing office, are likely to be trying to wreck his Government. How is he going to deal with these efforts of his friends if he has only the ordinary law as a weapon for dealing with such dangers? Let me assure him, speaking from experience of a good many years of trying to cope with Civil Disobedience, that it is not a matter that can be dealt with under the ordinary law. If it had been possible, we should have been only too glad to do so. It was only with the help of special measures that we were able to suppress it. I am afraid if that is the hope in which the Honourable Member is going to accept office, his period of office will be comparatively a brief one. (Laughter from Government Party Benches.) I really do not see how any Minister of the future, even so able and versatile a gentleman as the Honourable Member from Madras, can hope to resist the subversive movements and forces that will criticise and attack his ministry without

[Sir Henry Craik]

the special powers which we have found necessary. Remember, he will have an uncontrolled press, a great part of it run by his political opponents, he will have no power of declaring any association illegal, in fact it seems to me he will be perfectly helpless and will inevitably be driven out of office in a week or two.

Sir, I have noticed all through this debate a repetition of such phrases,—and I have no doubt these phrases enshrine very great principles,—such phrases as the freedom of the individual, freedom of the press, liberty of speech, liberty of association and so on. Those are of course very fine principles, but the mere repetition of fine principles does not, to my mind, carry any great measure of conviction. In fact, their constant repetition seems to me to rub the guilt off and reduce these principles into tedious “ clichés ”. I think two frequent iteration of such principles is a little bit inclined to make speakers lose their sense of proportion. After all, whose freedom is it we are attacking by this Bill? Against whose liberty is the Bill designed? Against the revolutionary, against the sedition-monger, against the terrorist, against the communist, but not surely against the average peaceful citizen who is none of those four things. How is the average citizen affected by the Bill? Let the House consider. Has any lawyer been affected, any merchant, any shop-keeper, any artisan, any landlord, any tenant? Certainly not. It is only, as I have said, those four classes against whom the Bill is directed. And what have those classes done to deserve it? Surely they have interfered most seriously with the liberty of other people. Take the victims of the terrorists. Can there be a more serious interference, a more drastic interference with liberty than murdering a man? Again who have been the victims of the Civil Disobedience Movement? The man who has been picketed, the merchant who sees his trade steadily declining, the shop-keeper who sees his clients scared or frightened away, the lawyer who is prevented from going to court, the student who is prevented from carrying on his studies, the Government servant who is restrained by the boycott from enjoying the ordinary conveniences of life. Is that not interference with liberty, is that not trespassing on the freedom of the individual? Surely, that is a far worse infringement of liberty than anything that is proposed by this Bill. Those are the people whom any Government is bound to protect in the pursuit their lawful occupations, and any Government that failed to give them that elementary form of protection from movements, all of which are in essence unlawful, would be failing grossly in its duty. That, Sir, seems to me to be the issue before this House. Naturally the Congress are bitterly opposed to this Bill. The main plank of their political programme is the repeal of all repressive laws, and the one they desire most to repeal is this law which brought about the end and collapse of the Civil Disobedience Movement. They make no secret of the fact that the movement will be revived, and revived whenever it suits their convenience. We should be fools in such a situation to deprive ourselves of this weapon which has been successful in the past, and to start all over again meeting such a movement, as the Congress always wish us to meet their attacks, with one hand tied behind our back? Why should we?

I regret that I have been so long. The time has now come when the issue must be put to the test. The Honourable Member from Delhi gives

a Nazi salute and waves his hand in agreement. He exhorted the elected Members of the House to remember that every one who votes in favour of this Bill will be bound to lose his seat. To put that at its highest, it is surely the merest opportunism. I do not ask Members to vote on such a ground. I ask them to follow the dictates of their conscience. Honourable Members opposite came to this House a year ago pledged in advance to do their utmost to repeal this Bill. I am not appealing to them, I know it would be useless, but to those Honourable Members who have come here with an open mind. I would ask them not to think what the result will be in their constituency, but to vote honestly according to their conscience. Let them bear in mind what are the real issues before the House. Are we going to give the new form of Government a chance of developing in moderately peaceful conditions? Are we going to give them some means of grappling with the antagonistic forces which are certain to encompass and attack them? Or are we, in our inveterate desire to destroy and discredit the present administration,—are we going to let loose on the country again those forces of chaos and anarchy which produced such misery and such economic loss in 1931 and 1932? (Loud and Continued Applause.)

Mr. President (The Honourable Sir Abdur Rahim) : The question

7 P.M. is :

“ That the Bill to amend the Criminal Law be taken into consideration ”

The Assembly divided :

AYES—61.

Abdoola Haroon, Seth Haji
 Abdul Aziz, Khan Bahadur Mian.
 Acheson, Mr. J. G.
 Ahmad Nawaz Khan, Major Nawab.
 Allah Bakhsh Khan Tiwana, Khan
 Bahadur Nawab Malik.
 Anwar-ul-Azim, Mr. Muhammad.
 Ayyar, Diwan Bahadur R. V. Krishna.
 Ayyar, Rao Bahadur A. A. Venkatarama.
 Bajoria, Babu Baijnath.
 Bajpai, Sir Gija Shankar.
 Bhat, Mr. Madhusudan Damodar.
 Bhutto, Mr. Nabi Baksh Illahi Baksh.
 Blackwell, Mr. J. H.
 Bower, Mr. E. H. M.
 Boyle, Mr. J. D.
 Chapman-Mortimer, Mr. T.
 Chatarji, Mr. J. M.
 Clow, Mr. A. G.
 Craik, The Honourable Sir Henry.
 Dalal, Dr. R. D.
 Desai, Mr. S. P.
 DeSouza, Dr. F. X.
 Fazl-i-Haq Piracha, Khan Sahib Shaikh
 Gajapatiraj, Maharaj Kumar Vijaya
 Ananda.
 Ghiasuddin, Mr. M.
 Ghuznavi, Sir Abdul Halim.
 Graham, Sir Lancelot.
 Griffiths, Mr. P. J.
 Grigg, The Honourable Sir James.
 Hands, Mr. A. S.
 Hidayatallah, Sir Ghulam Hussain.
 Hockenhull, Mr. F. W.
 Hossack, Mr. W. B.

James, Mr. F. E.
 Jawahar Singh, Sardar Bahadur Sardar
 Sir.
 Lal Chand, Captain Rao Bahadur
 Chaudhri.
 Lee, Mr. D. J. N.
 Lister, Mr. T.
 Lloyd, Mr. A. H.
 MacLachlan, Mr. D.
 Mehr Shah, Nawab Sahibzada Sir Sayad
 Muhammad.
 Milligan, Mr. J. A.
 Mitchell, The Honourable Mr. D. G.
 Morgan, Mr. G.
 Muhammad Nauman, Mr.
 Mukherjee, Rai Bahadur Sir Satya
 Charan.
 Owen, Mr. L.
 Rajah, Rao Bahadur M. C.
 Rau, Mr. P. E.
 Row, Mr. K. Sanjiva.
 Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan, Captain Sardar.
 Singh, Mr. Pradyumna Prashad.
 Sinha, Raja Bahadur Harihar Prosad
 Narayan.
 Sircar, The Honourable Sir Nripendra.
 Tottenham, Mr. G. R. F.
 Yakub, Sir Muhammad.
 Yamin Khan, Mr. Muhammad.
 Zafrullah Khan, The Honourable Sir
 Muhammad.
 Ziauddin Ahmad, Dr.

NOES—71.

Aaron, Mr. Samuel.
 Abdul Matin Chaudhury, Mr.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Ba Si, U.
 Badr-uz-Zaman, Maulvi.
 Badrul Hasan, Maulvi.
 Banerjee, Dr. P. N.
 Baqui, Mr. M. A.
 Bardaloi, Srijut N. C.
 Bhagavan Das, Dr.
 Chhattopadhyaya, Mr. Amarendra Nath.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sami Vencatachelam.
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Mr. Basanta Kumar.
 Das, Pandit Nilakantha.
 Dutta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Dehmukh, Dr. G. V.
 Essak Sait, Mr. H. A. Sathar H.
 Fuzlul Huq, Mr. A. K.
 Gadgil, Mr. N. V.
 Gauba, Mr. K. L.
 Ghulam Bhik Nairang, Syed.
 Giri, Mr. V. V.
 Govind Das, Seth.
 Gupta, Mr. Ghansham Singh.
 Hosnani, Mr. S. K.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sardar.
 Joshi, Mr. N. M.
 Khan Sahib, Dr.

Khare, Dr. N. B.
 Lalchand Navarai, Mr.
 Laljee, Mr. Huseenbhai Abdullahai.
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Mudaliar, Mr. C. N. Muthuranga.
 Muhammad Ahmad Kazmi, Qazi.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Nageswara Rao, Mr. K.
 Palwal, Pandit Sri Krishna Dutta.
 Pant, Pandit Govind Ballabh.
 Parma Nand, Bhai.
 Raghubir Narayan Singh, Choudhri.
 Rajan, Dr. T. S. S.
 Raju, Mr. P. S. Kumaraswami.
 Ranga, Prof. N. G.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Shaukat Ali, Maulana.
 Sheodass Daga, Seth.
 Siddique Ali Khan, Khan Sahib Nawab.
 Singh, Mr. Ram Narayan.
 Sinha, Mr. Anugrah Narayan.
 Sinha, Mr. Satya Narayan.
 Sinha, Mr. Shri Krishna.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Thein Maung, Dr.
 Thein Maung, U.
 Umar Ali Shah, Mr.
 Varma, Mr. B. B.
 Vissanji, Mr. Mathuradas.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Friday, the 13th September, 1935.

LEGISLATIVE ASSEMBLY.

Friday, 13th September, 1935.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

THIRD CLASS CARRIAGES ON MAIL TRAINS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

324. *Prof. N. G. Ranga : (a) Are Government aware of the fact that there is now no uniformity observed by Madras and Southern Mahratta Railway and South Indian Railway in placing their third class carriages on their Mail Trains and that owing to the third class carriages being attached in different positions on different days in different sections of the Mail Trains, the passengers who have to board the Mail trains on any of the small stations in the three or five minutes halts are put to considerable trouble, inconvenience and danger ?

(b) Are Government aware that there are often too few third class carriages for the number of passengers to be carried as compared with the first class accommodation provided on the Mail trains ?

(c) If so, are Government prepared to consider the advisability of increasing the number of third class carriages on all Mail trains of all the railways, regulating the first class accommodation as need arises ?

Mr. P. R. Rau : (a) The Agent, Madras and Southern Mahratta Railway, states that the mail trains on that line are worked with set rakes and the position of the vehicles is never altered except in abnormal circumstances.

The Agent, South Indian Railway, states that the position of third class carriages on their express trains has remained constant during the last three years. Through carriages running between specified points which have indication boards giving the name of the starting and destination stations are attached in the position in which it is most convenient for shunting purposes at junctions.

(b) The number of each class of carriage provided on the various trains is determined by the volume of the traffic offered. Both the Agents state that spare third class stock is stabled at various stations, and station masters have instructions to attach them to trains whenever necessity arises.

(c) The composition of trains must be determined by local conditions which vary from section to section on the different railways, and it is impracticable for Government to regulate such details of railway working.

Prof. N. G. Ranga : Are Government aware of the fact that even at junction stations, such as Waltair and Bezwada, when request is made and notice is given for additional third class carriages because of the existing overcrowding, no action is taken ?

Mr. P. R. Rau : I am not aware of that.

Prof. N. G. Ranga : Will Government see that one or two third class carriages at least are attached to every mail train that passes between Waltair and Madras ?

Mr. P. R. Rau : Sir, this is a matter of local interest, and I think it is desirable that the Honourable Member should take it up in the Local Advisory Council.

Prof. N. G. Ranga : In view of the fact that no Member of this House is a member of the Local Advisory Council, will the Honourable Member in charge of the Department be good enough to convey the wish of this House that there should be more third class carriages attached to the mail train running between Waltair and Madras and also between Madras and Colombo ?

Mr. P. R. Rau : I shall be glad to send a copy of my Honourable friend's observations to the Agents.

LUGGAGE ALLOWANCE GIVEN TO THIRD CLASS PASSENGERS.

325 ***Prof. N. G. Ranga :** (a) Will Government be pleased to state the luggage allowances given on different trains for each of the third class passengers ?

(b) Are Government prepared to consider the advisability of increasing such luggage allowance by another three pounds ?

P. R. Rau : (a) On practically all railways, the free allowance of luggage is 25 seers in addition to bedding, walking sticks, umbrellas and such articles of food as may be required on the journey.

(b) On the recommendation of the Indian Railway Conference Association, the free allowance was raised in December, 1929, from 15 seers to 25 seers. Government are not prepared to consider any further enhancement under present conditions.

Prof. N. G. Ranga : In view of the fact that this question was considered so long ago as 1929, are not Government of the opinion that time has come when these things should be reconsidered in view of the increasing rail-road competition ?

Mr. P. R. Rau : As a member of the Public Accounts Committee, my Honourable friend was most assiduous in asking the railways to increase their net earnings.

Prof. N. G. Ranga : It is only because we are anxious that the railways should increase their earnings that we ask that the conveniences afforded to the third class passengers should be increased. Will Government, therefore, consider the advisability of increasing the facilities of third class passengers in this direction ?

Mr. P. R. Rau : I do not think that the addition of three seers to 25 seers is likely to increase traffic.

WEIGHING MACHINES ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

326 ***Prof. N. G. Ranga :** (a) Are Government aware of the fact that at many places the weighing machines of the Madras and Southern Mahratta Railway are very defective, to the detriment of the third class passengers and that weighing machines are often not properly and sufficiently tested ?

(b) Are Government aware that the weighing machine installed for third class passengers at the central station, Madras and Southern Mahratta Railway, Madras, was found on the 12th July to show 3 lbs. more than that installed for the first and second class passengers ?

(c) Do Government propose to see that special care is taken to test periodically the weighing machines installed in all stations and especially those machines intended for the third class passengers ?

Mr. P. R. Rau : (a) and (b). The Agent, Madras and Southern Mahratta Railway, states that the Administration is not aware of the facts alleged.

(c) Government are satisfied that the instructions issued by the Madras and Southern Mahratta Railway Administration for the care and handling of weighing machines provide for as high a standard of accuracy being maintained as is practicable. They understand that similar instructions have been issued on other railways.

Prof. N. G. Ranga : In view of the fact that I myself have had this experience at the Madras Central Station and drew the attention of the Station Master also on that day to this particular defect, will Government try to refresh their memory as well as their information and see that such inaccurate information is not placed before this House ?

Mr. P. R. Rau : I understand that my Honourable friend's general allegation is based on one single instance, and when he has brought it to the notice of the authorities concerned, I am sure, that defect must have been rectified.

Prof. N. G. Ranga : Is it not a fact that the Honourable Member in his answer has stated that this particular defect to which I have drawn attention as far as the Madras Central Station is concerned does not exist and did not exist on that day ?

Mr. P. R. Rau : I could not follow the Honourable Member's question. Will he kindly repeat it ?

Prof. N. G. Ranga : What is your answer to part (a) of my question ?

Mr. P. R. Rau : The answer to parts (a) and (b) is :

“ The Agent, Madras and Southern Mahratta Railway, states that the Administration is not aware of the facts alleged.”

Prof. N. G. Ranga : In view of the fact that I myself have had this experience and drew the attention of the Station Master to this defect, I wish to inform the Honourable Member that his information is absolutely wrong and that that kind of information should not be placed on the table of the House.

Mr. P. R. Rau : May I ask whether my Honourable friend made a complaint in writing to the Agent of the Railway or what steps did he take to bring the defect to the notice of the Agent ?

Prof. N. G. Ranga : I personally informed him of what had happened.

Mr. P. R. Rau : In such cases, it is probably desirable for the Honourable Member to write to the Agent about it.

Prof. N. G. Ranga : I hope the Honourable Member will provide me with the expenses that I will incur on correspondence.

WEIGHT OF LUGGAGE OF THIRD CLASS PASSENGERS.

327. ***Prof. N. G. Ranga :** Are Government prepared to consider the advisability of instructing the Railways to see that passengers, especially the third class passengers, are not troubled at any of the intermediate stations or junctions about the weight of their luggages, if they bear with them the railway receipt for their luggage from their starting stations and that if any doubt is felt about the correctness of the weight recorded on the receipt, that fact may be communicated to the station master of the destination through the guard on duty ?

Mr. P. R. Rau : I will convey the Honourable Member's suggestion to the Indian Railway Conference Association for their consideration.

GOVERNMENT'S POLICY TOWARDS COMMUNISM.

328. ***Prof. N. G. Ranga :** (a) Are Government aware of the judgment given by Justices Williams and Jacks on the 17th of July in the High Court of Calcutta in setting aside the sentence on Kamala Krishna Sircar on the kind of propaganda carried on in favour of the establishment of a Bolshevik form of Government in India provided violent means are not advocated ?

(b) If so, will Government place on the table of the House the full text of that judgment ?

(c) Are Government prepared to revise their policy in the light of that judgment towards communists, communist organisations and communist propaganda and also their G. O. on communists ?

The Honourable Sir Henry Craik : (a) and (b). A copy of the judgment is laid on the table.

(c) The judgment had reference to prosecutions under the provisions of section 124-A of the Indian Penal Code. No question of revising the policy of Government towards Communism arises.

IN THE HIGH COURT OF JUDICATURE AT FORT WILLIAM IN BENGAL.

Criminal Appellate Jurisdiction.

The 17th July, 1935.

Present :

The Honourable Mr. Justice Lort-Williams

and

The Honourable Mr Justice Jack.

Appeal No. 173 of 1935.

Kamal Krishna Sircar, *Appellant,*

versus

The Emperor Respondent.

For the Accused—Mr. B. Das, Counsel, with Mr. Hiran Kumar Roy.

For the Crown—Mr. D. N. Bhattacharya, officiating Deputy Legal Remembrancer.
Lort-Williams, J.—

In this case, the appellant was convicted of sedition under section 124A, Indian Penal Code, and sentenced to rigorous imprisonment for one year.

The speech in which he made the remarks complained of was delivered at Shradhdhananda Park on November 22, 1934. There was a meeting of the Bengal Youth League, and there was a red banner with hammer, sickle and star. The audience were composed mostly of Bengali youths of the student community and a number of speeches were made.

The accused moved a resolution, expressing emphatic condemnation of Government legislation as being calculated to gag the working class movement in India, in declaring the Communist party of India and various trade unions and labour organisations illegal, while anti-working class organisations like the Indian National Congress and the Congress Socialist Party had not been banned, and had been allowed to prosecute their aims of sabotaging the real class struggle for emancipating the toiling masses of India. The resolution also condemned the banning of the Communist party of India and other militant class organisations in the Punjab and Bombay.

In his speech the accused referred to these orders made by the Government, and explained that what was meant was that the Government by such banning of certain organisations were making it easier for the organisations which were carried on by the well-to-do and the capitalists one of the aims of which was to put down the workers' movement, to pursue the new reformist movements which were favoured by these other bodies. The rich, Gandhi and the Congress were all lumped together by the speaker as being supported by the Government. Then he proceeded to deal with the Round Table Conference and pointed out that at one time the Government had declared the Congress illegal, but that it was the object of the Government, and by reference the speaker obviously wanted to include all Governments, to encourage the reformist movement as a method of checking the revolutionary movement represented by the Communist party, the Bolsheviks and others. The rest of the speech was a mere recital of facts either of recent or past history. A great deal of it was obviously taken from well-known and quite respectable books which have been published recently about the world economic depression, the alleged failure of the capitalistic system, and the necessity of finding some other method for the distribution of goods. In fact, all that the speech amounted to was a recommendation of the Bolshevik form of Government as preferable to what is generally called the "capitalistic" form of Government, i.e., the present form of Government. And all that the speaker did was to encourage the young men, whom he was addressing, to join the Bengal Youth League and to carry on a propaganda for the purpose of inducing as large a number of people in India as possible to become supporters of the idea of communism as represented by the present Bolshevik system in Russia.

It is really absurd to say that speeches of this kind amount to sedition. If such were the case, then every argument against the present form of Government and in favour of some other form of Government might be alleged to lead to hatred of the

Government, and it might be suggested that such ideas brought the Government into contempt. To suggest some other form of Government is not necessarily to bring the present Government into hatred or contempt.

The learned Magistrate, who tried the case, obviously takes a strong view with regard to Bolshevism. He does not like it ; neither do I, nor do a very large number of sensible people. That does not mean that one may not make speeches of the kind. I do not like quite a lot of things that people do constantly from day to day. That is no reason for suggesting that those people are guilty of sedition or of attempting to bring the Government into hatred or contempt.

In my opinion, it is not wise to institute prosecution against the makers of speeches of this kind. The effect of it is to give the impression that the Government are desirous of taking the kind of steps which, we understand, have been taken in countries like Germany and Italy, where the right of free speech has practically disappeared. So far as we know, that is not the present position in India. In any case, the present speech is a long way from coming within the provisions of section 124A, Indian Penal Code.

The conviction and sentence passed on the appellant are, accordingly, set aside, and he is acquitted.

The appellant, who is on bail, will be discharged from his bail-bond.

(Sd.) J. LORT-WILLIAMS.

The 17th July, 1935.

Jack, J.—

I agree.

(Sd.) R. E. JACK.

The 17th July, 1935.

J. W. McKAY,

Secretary to the Bengal Legislative Council.

CALCUTTA ;

The 10th August, 1935.

Mr. S. Satyamurti : What is the policy of Government towards Communism ?

The Honourable Sir Henry Craik : That was defined at considerable length in a statement I laid on the table in reply to a question about this time last year. The Honourable Member will find it in the Library.

Mr. S. Satyamurti : Do Government propose to continue to punish opinions, even if those opinions are not expressed in favour of any acts of violence ?

The Honourable Sir Henry Craik : It has never been the policy of Government to punish opinions so long as those opinions are not published.

Mr. S. Satyamurti : Do Government propose to punish the opinions even in those publications, which do not incite to any acts of violence ?

The Honourable Sir Henry Craik : So long as those opinions do not incite to acts of violence or encourage disaffection or tend to bring Government into hatred or contempt, it is not the policy of Government to punish them.

Prof N. G. Ranga : Is it wrong to publish in original the Communist manifesto issued by Karl Marx and also to translate it ?

The Honourable Sir Henry Craik : That depends upon the contents of the manifesto.

TRADE TREATIES WITH ITALY AND ROUMANIA.

329. ***Prof N. G. Ranga :** (a) Will Government be pleased to state whether they have been able to conclude any trade treaties with Italy and Roumania in order to remove or reduce the import duties recently levied by those Governments upon our Indian Imports ?

(b) If not, what stage has been reached by their negotiations with the Governments of those countries ?

(c) When were those negotiations begun ?

(d) When are they expected to be concluded ?

(e) If trade treaties are concluded, what are the terms of such treaties ?

(f) How do those terms compare with those of the treaties concluded by Great Britain with Italy during this year ?

The Honourable Sir Muhammad Zafrullah Khan : (a) to (f). I would invite the Honourable Member's attention to the replies given to Mr. T. S. Avinashilingam Chettiar's starred questions Nos. 4 and 5.

MARKETING OF AGRICULTURAL PRODUCE IN FOREIGN COUNTRIES.

330. ***Prof N G. Ranga :** (a) Will Government be pleased to state the progress made by the marketing section of the Imperial Council of Agriculture in carrying on any marketing surveys or in organising marketing of any of the Agricultural produce ?

(b) Are Government prepared to consider the advisability of publishing a periodical survey of the prospects for the marketing of Agricultural produce in foreign countries with the aid of the reports received from the Trade Commissioners ?

Sir Girja Shankar Bajpai : (a) A copy of the progress report of the marketing scheme till the end of June, 1935, as circulated to the Advisory Board of the Imperial Council of Agricultural Research, has been placed in the Library.

(b) The quarterly reports issued by the Indian Trade Commissioners already contain sufficient information regarding the marketing of Indian agricultural products in foreign countries and the prospects of expansion of the trade. These reports are published in the *Indian Trade Journal*.

Prof N G Ranga : Will Government consider the advisability of publishing a comprehensive report of all the remarks made by the Trade Commissioners, so that it will be easy for those who are interested in agricultural problems to get it and study it ?

Sir Girja Shankar Bajpai : I have already informed my Honourable friend that quarterly reports, which I have no doubt are as comprehensive as the subject matter requires, are issued and published in the *Indian Trade Journal*.

LOSS SUSTAINED BY THE PEASANTS IN THE QUETTA EARTHQUAKE.

331. *Prof. N. G. Ranga : (a) Will Government be pleased to state if they have estimated the loss sustained by the peasants in the Quetta earthquake ?

(b) If so, how much is that loss ?

(c) How many peasants have been made homeless and landless ?

(d) What are the steps taken or proposed to be taken to settle them anywhere else and provide them with land ?

(e) Will Government state whether any lands in the newly irrigated portions of the Punjab or Sind are proposed to be granted to them ?

Mr. J. G. Acheson : (a) Yes, Sir.

(b) Approximately rupees five and a half lakhs.

(c) About 2,676 houses were destroyed and roughly 12,800 peasants were rendered homeless. No peasants have been rendered landless as damage to land has been comparatively insignificant

(d) Grants have been made for the reconstruction of houses but as there has been no appreciable damage to land it has not been found necessary to take steps to settle the peasants elsewhere.

(e) No, Sir.

Prof N. G. Ranga : In view of the fact that in the report published by the Government of India it is said that this earthquake has affected several hundreds of square miles of land, does the answer given by the Honourable Member relate to all the peasants affected by the earthquake ?

Mr. J. G. Acheson : Does the Honourable Member want to know if my answer refers to the whole of the area ? If so, yes, Sir.

Mr. Lalchand Navalrai : May I know if the lands of these peasants have been destroyed ?

Mr. J. G. Acheson : There were quite a considerable number of casualties among the villagers ; but they were not so heavy as in the city.

Mr. Lalchand Navalrai : I was asking whether the cultivated lands were affected ?

Mr. J. G. Acheson : I thought the Honourable Member was enquiring about loss of life. Land has scarcely been affected. That also applies to orchards which are, of course, very important in Baluchistan.

GRANT FOR THE DEVELOPMENT OF THE HANDLOOM WEAVING INDUSTRY TO THE MADRAS PRESIDENCY.

332. *Prof. N. G. Ranga : (a) Will Government be pleased to state (i) the principles on which they are allocating the handloom weaving development grant between the various provinces, (ii) if such a principle was objected to by the Madras Government, and (iii) if so, on what grounds ?

(b) Are Government aware of the fact that the Madras Government has been spending larger sums upon the development of handloom weaving than other Provincial Governments and is it a fact that the expenditure of Provincial Governments on handloom weaving only during the last four or five years was taken into consideration, and that the Madras Presidency gets very much less than what is really due to her, if her total expenditure during the last decade is considered?

(c) Are Government prepared to reconsider their method of allocating the grant so as to allot more to the Madras Presidency?

The Honourable Mr. D. G. Mitchell : (a) (i). The Sixth Industries Conference proposed that the grant for the first year should be distributed half in proportion to the consumption of cotton yarn in handloom weaving in the provinces and half in proportion to the actual expenditure of the Local Governments on the improvement of the cotton handloom weaving industry under certain specified heads during the five years ending the 31st March, 1934. This basis was accepted by Government for the first 17 months of the scheme, i.e., up to the 31st March, 1936.

(a) (ii). No.

(a) (iii). Does not arise.

(b) The reply to the first part is in the negative and to the second part in the affirmative. As regards the last part, the allocation was made according to the principles recommended by the Conference.

(c) The basis of allocation of grants in future years will be considered by the Seventh Industries Conference to be held in October.

Prof N. G. Ranga : Have Government any scheme by which this total grant is likely to be increased in the near future?

The Honourable Mr. D. G. Mitchell : I believe at the present moment there is little prospect of the total grant being increased.

BILL *re* EXEMPTION OF A PORTION OF THE LANDS OWNED BY PEASANTS FROM THE PROPERTIES LIABLE TO BE ATTACHED FOR THE PAYMENT OF DEBTS.

333. ***Prof. N. G. Ranga :** (a) Will Government be pleased to state if they are thinking of introducing legislation to amend the Civil Procedure Code Act of 1908 so as to exempt a portion of the lands owned by peasants from the property or properties liable to be attached for the payment of debts?

(b) If so, when will such a Bill be introduced into the Assembly?

(c) If not, are Government prepared to consider the advisability of introducing such a Bill?

The Honourable Sir Henry Craik : (a) The answer is in the negative.

(b) Does not arise.

(c) As the Honourable Member is aware, Mr. Ananthasayanam Ayyangar gave notice, last Session, of his intention to move for the introduction of a Bill to amend section 60 of the Civil Procedure Code with the same object in view. Notice of a Bill which *inter alia* seeks to protect

from attachment small agricultural holdings has also been received from the Honourable Member himself. Government will have an opportunity in due course of stating their attitude on the subject in the House in connection with these Bills.

Prof. N. G. Ranga : What is the attitude of Government towards the Bill proposed to be introduced by Mr. Ananthasayanam Ayyangar ?

The Honourable Sir Henry Craik : I have said that Government will have an opportunity of stating their attitude when the Bill comes up.

CLAIMS OVER THE WATERS OF THE TUNGABHADRA RIVER.

334. **Prof. N. G. Ranga :** (a) Will Government be pleased to state what progress has been made in regard to the request of the Madras Government that the Government of India should appoint a tribunal to decide the claims of the four Governments over the waters of the Tungabhadra river ?

(b) What is the reply received from the Bombay Government ?

(c) What are the obstacles standing in the way of developing this project ?

The Honourable Mr. D. G. Mitchell : (a) The proposal that a Court of Arbitration should be appointed has been put to the Governments of Bombay, Mysore and Hyderabad.

(b) The Government of Bombay have agreed to the appointment of a Court.

(c) The project is beset by political, engineering and financial difficulties.

Prof. N. G. Ranga : What is the nature of the reply received by the Government of India from the Mysore Government ?

The Honourable Mr. D. G. Mitchell : So far no reply has been received.

Prof. N. G. Ranga : How long ago did the Government of India address the Mysore Government ?

The Honourable Mr. D. G. Mitchell : I want notice.

Prof. N. G. Ranga : Will the Government of India remind the Mysore Government to send an early reply ?

The Honourable Mr. D. G. Mitchell : We have already done so.

ACTS PASSED BY PROVINCIAL LEGISLATURES TO RELIEVE THE BURDEN OF AGRICULTURAL INDEBTEDNESS.

335. **Prof. N. G. Ranga :** Will Government be pleased to place in the Library of the House the Acts passed since 1934 by various Provincial Legislatures to relieve the burden of agricultural indebtedness in order to enable the House to see how far the recommendations of the Economic Conference 1934 have been carried out ?

The Honourable Sir Nripendra Sircar : I lay on the table a list of Acts, copies of which have been placed in the Library of the Indian Legislature.

Last of Acts.

The Agriculturists' Loans United Provinces (Amendment) Act, 1934
 The Assam Money Lenders Act, 1934.
 The Central Provinces Debt Conciliation (Amendment) Act, 1934.
 The Central Provinces Debt Conciliation (Amendment) Act, 1935.
 The Central Provinces Money Lenders Act, 1934.
 The Madras Co-operative Land Mortgage Banks Act, 1934.
 The Madras Debtors' Protection Act, 1934.
 The North-West Frontier Province Redemption of Mortgages Act, 1935
 The Punjab Relief of Indebtedness Act, 1934.
 The United Provinces Agriculturists' Relief Act, 1934.
 The United Provinces Agriculturists' Relief (Amendment) Act, 1935.
 The United Provinces Encumbered Estates Act, 1934.
 The United Provinces Encumbered Estates (Amendment) Act, 1935.
 The United Provinces Regulation of Sales Act, 1934.
 The United Provinces Temporary Regulation of Execution Act, 1934.
 The Usurious Loans (Central Provinces Amendment) Act, 1934
 The Usurious Loans (North-West Frontier Province Amendment) Act, 1935.
 The Usurious Loans (United Provinces Amendment) Act, 1934.

AGREEMENT WITH THE KATHIAWAR STATES ABOUT CUSTOMS.

336. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether any agreement has been arrived at between them and the Kathiawar States about customs ; and
- (b) if so, what the terms of the agreement are ?

The Honourable Sir James Grigg : I am not yet in a position to make any statement on this subject.

Mr. S. Satyamurti : May I know what the position is ? Is it that a lot of smuggling is going on through the Kathiawar ports ?

The Honourable Sir James Grigg : I do not think there is smuggling, for that can be checked at Viramgam line. But it is a matter of common suspicion that rebates are being given.

Mr. S. Satyamurti : Have Government lost large sums of money over this ?

The Honourable Sir James Grigg : The problem is not only one of loss of revenue, but of diversion of trade from Bombay. In one case, of course, the diversion of trade, which is held by the Durbar to be within the terms of their treaty, has been very heavy indeed, and the diversion of revenue has consequently been very big also.

Mr. S. Satyamurti : Why is there such a diversion of trade ?

The Honourable Sir James Grigg : I think the Honourable Member had better leave me to try and deal with that question. I will promise to make a statement as soon as I can.

Mr. S. Satyamurti : Before the next Budget Session ? If so, I shall not ask any more questions.

The Honourable Sir James Grigg : I hope so ; but I cannot make any promise.

Mr. S. Satyamurti : In view of this *non-possumus* attitude, my Honourable friend will forgive me for using that word, I want to know why there is this continual diversion of trade from Bombay to Kathiawar ports. There is something which my Honourable friend does not want to disclose and which exists.

The Honourable Sir James Grigg : One obvious reason is that for certain areas the Kathiawar ports have a definite economic advantage in having a shorter railway route as compared with the ports of British India. But that is not the whole story.

Mr. S. Satyamurti : What is the whole story ?

The Honourable Sir James Grigg : I am not in a position to say.

Mr. S. Satyamurti : Will the Honourable Member expedite this matter, as much as possible ?

The Honourable Sir James Grigg : I am trying to do so.

Mr. S. Satyamurti : Are Government spending large sums of money to buy up their opposition ?

The Honourable Sir James Grigg : The Honourable Member is now fishing.

FORMATION OF COFFEE POOLS IN KENYA WITH A VIEW TO DRIVE OUT THE INDIAN SETTLERS.

337. ***Mr. S. Satyamurti :** Will Government be pleased to state .

- (a) whether their attention has been drawn to the attempt of the White settlers in Kenya to form coffee pools with a view to drive out the Indian traders in the same way as they are being driven out of the clove trade in Zanzibar ;
- (b) if not, whether they are prepared to make enquiries in the matter ; and
- (c) what steps they propose to take ?

Sir Girja Shankar Bajpai : (a) to (c). Government have seen reports in the Press of certain proposals said to have been made by an unofficial organisation called the Coffee Board of Kenya for the better distribution of coffee but have received no representations on the subject from the Indian community in Kenya, and do not, therefore, propose to take any action in the matter.

TRANSFER OF THE CIVIL AND MILITARY ADMINISTRATION OF GILGIT TO THE GOVERNMENT OF INDIA.

338. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether it is a fact that the treaty between the Kashmir Government and the Government of India, whereby the civil and military administration of the Gilgit area will be transferred to the Government of India, has been signed ; and
- (b) the extra cost involved in this transfer ?

Mr. J. G. Acheson : (a) The Honourable Member's attention is invited to the communiqué on the subject issued on the 8th January, 1935.

(b) Nil

Mr. S. Satyamurti : So there is no extra cost at all ?

Mr. J. G. Acheson : No, Sir ; on the contrary, there has been a net saving of approximately one lakh.

CUSTOMS QUESTIONS RELATING TO THE KATHIAWAR AND MARITIME STATES.

339. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether it is a fact that an important conference between the officers of the Political Department and the Central Board of Revenue was held early in May to discuss the issue relating to customs questions with the Maritime and Kathiawar States ;

(b) what the points were that were discussed ; and

(c) what the decisions are ?

The Honourable Sir James Grigg : Inter-departmental conferences constitute a normal method of Secretariat procedure in important and complicated cases, and this method has been frequently adopted in dealing with customs questions. The proceedings of such conferences, like the noting on Secretariat files, are confidential, and I am unable to disclose any information in regard to this particular or any other one.

Mr S Satyamurti : Will these decisions be taken by Government, before they are placed before this House ?

The Honourable Sir James Grigg : I think that is extremely likely.

Mr S. Satyamurti : In view of the fact that a lot of money is involved in this matter, and Government are not in as strong a position as it ought to be in view of this proposed Federation, will Government try to strengthen themselves by taking the opinion of this House, representing as it does the Indian taxpayer ?

The Honourable Sir James Grigg : I do not admit the Honourable Member's premise.

RELIEF TO THE FAMILIES OF THE PUBLIC SERVANTS KILLED IN THE EARTHQUAKE AT QUETTA.

340. ***Mr. Lalchand Navalrai :** Do Government propose to provide any earthquake compassionate allowance, or some such relief, for the families of those public servants killed in the earthquake at Quetta ? If so, which and under what conditions ?

The Honourable Sir James Grigg : In regard to certain establishments whose conditions of service are regulated by the Royal Warrant and the King's Regulations for the Royal Air Force, it has been held by competent authority that death in the earthquake at Quetta should be treated as attributable to military service. The dependents of deceased members of such establishments become, therefore, eligible for pensions. The same principle will be applied in the Indian Army. In regard to establishments for which the rules prescribe two scales of pension, the

question of which scale should be applied is under consideration. Under the rules applicable to civil personnel contained in the Civil Service Regulations, no pensions are admissible to the dependents of such personnel killed in the earthquake, but the Government of India have decided to relax these rules and to grant pensions and gratuities.

Mr. Lalchand Navalrai : Will any gratuity be given where pension is not allowable ?

The Honourable Sir James Grigg : I assume the Honourable Member is concerning himself only with the civilian personnel. I said that, under the rules applicable to civil personnel contained in the Civil Service Regulations, no pensions are admissible to the dependants of such personnel killed in the earthquake, but the Government of India have decided to relax these rules and to grant pensions and gratuities.

CONSTRUCTION OF ROADS IN ASSAM.

341. ***Srijut N. C. Bardaloi :** (a) Is it a fact that the Central Reserve Fund for Development of Roads from income derived from petrol tax, amounted to over four lakhs ?

(b) Will Government be pleased to state how much of it was derived from petrol raised and refined in the Assam oil-fields ?

(c) What was the amount allocated to Assam from the Central Reserve Fund ?

(d) How much of that sum was spent in the Assam Valley ?

(e) Is the oil-field situated in the Assam Valley ?

(f) What are the areas of Assam Valley Districts and the Surma Valley Districts, excluding Hill Districts, separately ?

(g) How many miles of *kutchha* roads exist in the Assam Valley and how many miles of *pucca* roads ?

(h) Are Government prepared to take up the question of construction of roads in Assam, so that the country may be opened up ?

The Honourable Mr. D. G. Mitchell : (a) Yes. On a ten per cent. basis the annual credit to the reserve was about Rs. ten lakhs per annum. On a 15 per cent. basis (from 1934-35) the annual credit is likely to be over Rs. 15 lakhs per annum.

(b) The quantity of petrol produced in Assam is not constant, but the production in recent years is equivalent to a credit to the reserve in the Road Account of between $1\frac{1}{2}$ and two lakhs of rupees per annum.

(c) Rs. 27.30 lakhs. This grant has been made partly from revenue already received and a lump sum contribution of Rs. 40 lakhs, and partly by anticipating future revenue.

(d) A sum of Rs. 14.25 lakhs has been allocated to the Assam Valley, but works are only now being commenced and the expenditure to date is negligible.

(e) Yes.

(f) The combined areas of the Goalpara, Kamrup, Darrang, Nowgong, Sibsagar, and Lakhimpur districts in the Assam Valley are

23,932 square miles and the combined areas of the Sylhet and Cachar Plains districts in the Surma Valley are 9,340 square miles.

(g) The Government of India have no information. The total mileage in Assam is 600 miles of metalled and 7,186 miles of unmetalled roads.

(h) The Government of India have already made very substantial grants to Assam as indicated in reply to part (c) of the question.

Srijut N. C. Bardaloi : Of course the Government of India have made substantial grants, but are Government aware that, in the northern portion of Assam from Dhubri to Lakshmipur, *i.e.*, one-half of Assam, there are no metalled roads, and in the southern portion all the important roads of Kamrup to Goalpara are *cutcha* ? And will Government consider these facts when they consider the question of contribution to the Road Fund ?

The Honourable Mr. D. G. Mitchell : The Government of India have already taken into consideration the well-known fact that Assam is very badly off for roads. As regards the allocation between the two different valleys, that must be left to the Local Government.

Mr F. W. Hockenull : Will the Honourable Member tell us whether any schemes have already been sanctioned from the central fund ?

The Honourable Mr. D. G. Mitchell : Yes, quite a large number.

CLAIMS FOR PROMOTIONS AND PREFERMENTS OF ASSAMESE SOLDIERS.

342. ***Srijut N. C. Bardaloi :** (a) Will Government be pleased to state how many natives of Assam Valley Districts, belonging to the Koch, Rajbangsi, Kachari, Jharuas, Mikir and Saloi castes are serving in the Regiment known as "Assam Rifles", who are stationed to guard the North-Eastern Frontier ?

(b) Will Government state how many persons of those castes fought in the Great War ?

(c) Will Government enquire of the Assam Government and inform this House whether the Assamese soldiers of these castes were praised for their bravery and fighting qualities by the respective commanders of the regiments in which they served during the War ?

(d) Will Government state whether fairly educated youths of the above castes are now finding employment in the Gurkha regiments in larger numbers ? If not, why not ?

(e) Will Government state who, besides the following, are now holding non-commissioned officers' ranks among the soldiers in the North-Eastern Frontier, who are inhabitants of the Assam Valley Districts :

- (1) Jemadar Debi Singh Mech,
- (2) Jemadar Dhananjoy Kachari,
- (3) Havildar Gangaprasad Rajbangsi,
- (4) Havildar Tarak Chandra Rajbangsi,
- (5) Havildar Bahadur Chandra Uzir,
- (6) Havildar Jatra Mikir,
- (7) Havildar Mayaram Rajbangsi ?

(f) Are Government prepared to take steps to recruit more men from among these castes ?

(g) Are Government prepared to consider the claims for promotions and preferments of these soldiers, who belong to British India, in the same way as in the case of inhabitants of Nepal ?

The Honourable Sir Henry Craik : (a) 348.

(b) 448.

(c) Several Commanding Officers expressed appreciation of the fine services rendered by men of the Assam Rifles generally, but no particular classes or castes were specially mentioned

(d) Practically no Assamese with any education apply for enlistment in the Assam Rifles, and they are not recruited to Gurkha Regiments of the Army because they are not Gurkhas.

(e) Besides the men named in the question there are five Subedars, three Jemadars, 19 Havildars and 17 Naiks who are inhabitants of the Assam Valley districts. A list of their names can be laid on the table if the Honourable Member wishes.

(f) According to the class composition of the Assam Rifles the number of Assamese should be 37½ per cent. This percentage has never been reached by recruits from these or other Assamese castes. Government would be glad to see them come forward in larger numbers provided they intend to stick to the service.

(g) Promotion is made by merit alone and the claims of all castes and tribes are equally considered

Srijut N. C. Bardaloi : Is it a fact that those Assamese, who are in the ranks of non-commissioned officers, are mostly well educated and belong to the educated classes ? Will Government take these facts into consideration in matters of promotion ?

The Honourable Sir Henry Craik : My information is that, on enlistment, practically none of the recruits are educated. Possibly they receive some education in the regiment ; but presuming they all enlist as sepoy in the first instance, my information is not in accordance with that of the Honourable Member.

Srijut N. C. Bardaloi : As a matter of fact, I may inform the Honourable Member that they all originally enlist as sepoy, but only in matters of promotion somehow their race intervenes and the Gurkhas get promotion and they do not get the promotion which they deserve. Will the Honourable Member make an inquiry into this grievance ?

The Honourable Sir Henry Craik : I do not quite see what I am to inquire into. I have said that promotion is made by merit alone, and the claims of all castes and tribes are equally considered.

ASSAM VALLEY PLANTERS' ASSOCIATION.

343. ***Srijut N. C. Bardaloi :** (a) Are Government aware that an Indian Planters' Association, known as the Assam Valley Planters' Association, has been started in Assam ?

(b) Are Government prepared to give representation to this body on the Tea Cess Committee as well as on the Tea Licensing Committee ?

(c) Have Government instructed the Tea Cess Committee to take in representative Indians in the executive of the Tea Cess Committee, as well as in the general committee, as assured by Sir Joseph Bhore during the last Session of this House ?

(d) Do Government propose to lay down the method of electing Indian members to the above bodies, so that Indian planters of Assam Valley may also get representation ?

The Honourable Sir Muhammad Zafrulla Khan . (a) No, Sir.

(b) In view of the reply to part (a) of the question, Government are unable to express any opinion as to the desirability of giving representation to the body referred to

(c) Government are unaware that any assurance of the nature mentioned was given by Sir Joseph Bhore last Session.

(d) Government understand that the existing provisions of the Indian Tea Cess Act and the Indian Tea Control Act have in effect provided for the representation of Indian planters of the Assam Valley on the Indian Tea Cess Committee and the Indian Tea Licensing Committee.

Srijut N. C. Bardaloi : That is not my question : my question is this : certainly it provides for representation of the people interested, in the Assam Valley, especially those who are members of the association like the Indian Tea Association ; but the pledge given by the Honourable Sir Joseph Bhore in the last Assembly was that the Government will see that Indians are taken into the executive committee as well as the general committee of the Association : have Government done anything towards that ?

The Honourable Sir Muhammad Zafrullah Khan : I have already submitted that Government are unaware that any assurance of the nature mentioned was given by Sir Joseph Bhore last Session

Srijut N. C. Bardaloi . It should be in the Assembly Proceedings. I am the person who started it, and, in his reply, Sir Joseph Bhore said that Government in future would see that more Indians are taken in in this committee : that was one of the conditions why the Bill was supported by me

The Honourable Sir Muhammad Zafrullah Khan : I believe all that Sir Joseph Bhore gave an assurance about was that when the Tea Cess Association puts forward more comprehensive proposals for the amendment of the Tea Cess Act, the question of the proper representation of Indian interests on the committee would be carefully borne in mind. That stage has not yet arrived. Any assurance given by Sir Joseph Bhore will be fully honoured.

APPOINTMENT OF AN INDIAN AS THE CHAIRMAN OF THE BOMBAY PORT TRUST.

344. ***Srijut N. C. Bardaloi :** Will Government be pleased to state if there is any bar to the appointment of an Indian as the Chairman of the Bombay Port Trust ?

The Honourable Sir Muhammad Zafrullah Khan . None

Srijut N. C. Bardaloi : Have the Indian Merchants' Chamber and Bureau and other bodies been urging the desirability of appointing an Indian during the last 11 years ?

The Honourable Sir Muhammad Zafrullah Khan : The desirability of appointing Indians has been urged in several questions to which I have already given a reply.

Mr S Satyamurti : Then, why has no Indian been appointed ? Is there no Indian fit for that place ?

The Honourable Sir Muhammad Zafrullah Khan : Indians have on several occasions been Chairmen of Port Trusts.

Mr. S. Satyamurti : Here in Bombay ?

The Honourable Sir Muhammad Zafrullah Khan . Not in Bombay.

Mr. S Satyamurti : Why not ? Are there no Indians in Bombay ? I thought it was an Indian city.

The Honourable Sir Muhammad Zafrullah Khan . No answer is necessary—Bombay is an Indian city.

Mr. S. Satyamurti : Are there no competent Indians to be Chairmen of the Port Trust there, when Indians can be Commerce Members ?

(No answer)

Srijut N. C. Bardaloi : Is it a fact that the administration of the Port Trust has been extravagant ?

The Honourable Sir Muhammad Zafrullah Khan : No.

Mr. Lalchand Navalrai : May I know if there has been an Indian Chairman of the Karachi Port Trust ?

The Honourable Sir Muhammad Zafrullah Khan : Not so far as I am aware.

Mr. Lalchand Navalrai . Then, which are those other places ?

The Honourable Sir Muhammad Zafrullah Khan : The other places are Aden and Chittagong. I believe a question to that effect has already been put down, and, when it is reached, I will be able to reply to it more fully.

Srijut N. C. Bardaloi . Is it true that the financial difficulties of the Port Trust have contributed to the diversion of trade from Bombay.

The Honourable Sir Muhammad Zafrullah Khan : I believe there is a question with regard to the alleged extravagant administration of the Bombay Port Trust put down, and, when it is reached, I will be able to give a reply.

ENQUIRY INTO THE FINANCIAL RELATIONS BETWEEN INDIA AND BURMA.

345. ***Srijut N. C. Bardaloi :** Have Government taken any steps to associate members of this House and the public with the enquiry into the financial relations between India and Burma finally ?

The Honourable Sir James Grigg : If the Honourable Member is referring to the financial adjustments between the two Governments, I would remind him that the subject is to be debated in this House during the present Session.

DISABILITIES OF INDIANS IN ZANZIBAR.

346. *Srijut N. C. Bardaloi : What steps have Government taken to remove the disabilities from which Indians in Zanzibar are suffering, as reported by the Government representative sent there to investigate the grievances of Indians ?

Sir Girja Shankar Bajpai . The attention of the Honourable Member is invited to the reply given by me on the 4th September, 1935, to Mr S. Satyamurti's question No 118

INDIANS IN COCHIN-CHINA, JAVA, CEYLON AND SINGAPORE.

347. *Srijut N. C. Bardaloi : Are Government aware that Indians in Cochin-China, Java, Ceylon and Singapore are being ill-treated ? If so, what steps are Government taking to remedy the same ?

Mr. J. G. Acheson The reply to the Honourable Member's question is as follows :

(I) (a) An expulsion order against certain Indian Chettiar Bankers by the Indo-China Government was cancelled upon representations being made by the Government of India through His Majesty's Government and diplomatic channels

(b) There is no truth in the allegation that Indians in Ceylon and Singapore are being ill-treated.

(c) Government have received no complaints of ill-treatment of Indians in Java

(II) The question does not arise.

ABOLITION OF THE INDIA STORES DEPARTMENT IN LONDON.

348. *Srijut N. C. Bardaloi : (a) Is it a fact that the High Commissioner in England has to attend many social and political functions ?

(b) Is it a fact that he is a layman as regards Stores purchases are concerned ?

(c) Do Government propose to abolish the Stores Department in London and entrust the Indian Stores Department with the duties of inspection and other necessary functions in connection with the large purchases for Government in India and abroad ?

The Honourable Mr. D. G. Mitchell : (a) Yes

(b) I do not know what my Honourable friend means by ' layman '. The position of the High Commissioner is the same as that of any person holding high office who has experts working under him.

(c) No : the Government of India are considering the possibility of amalgamating the London Store Department and the Indian Stores Department.

Mr. Lalchand Navalrai : May I know, when this amalgamation takes place, whether it will be in England or in India ?

The Honourable Mr. D. G. Mitchell : The investigation has still to be carried out, and it is impossible to give any exact date at present.

EFFECT OF THE OTTAWA AGREEMENT ON INDIA AND THE DOMINIONS.

349. *Srijut N. C. Bardaloi : (a) Has the Ottawa Pact benefitted the British producers on account of substantial preferential duties ?

(b) Will Government state to what extent India has benefitted on account of that Pact ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). Government do not propose to offer an opinion on the results of the Ottawa Trade Agreement pending the discussion of the matter in the next Budget Session. Meanwhile, a report on the working of the Ottawa Agreement for the year 1934-35 will be laid on the table of the House at an early date.

Mr. S. Satyamurti : When does this Pact expire ?

The Honourable Sir Muhammad Zafrullah Khan : I believe some time in the spring of 1936.

Mr. S. Satyamurti : Will Government place the matter before the House, before the expiry ?

The Honourable Sir Muhammad Zafrullah Khan : I believe so. It will be possible to do so, I think.

Srijut N. C. Bardaloi : Is it a fact that from England 224 crores worth of articles less was exported to India ?

The Honourable Sir Muhammad Zafrullah Khan : I have already replied to all questions in detail on this matter.

PURCHASE OF IRON AND STEEL MATERIALS BY INDIAN RAILWAYS.

350. *Srijut N. C. Bardaloi : Are the Railways in India purchasing all available iron and steel materials in India, or mostly in the United Kingdom ?

Mr. P. R. Rau : State-managed Railways in India follow the Stores Purchase Rules and purchase all their requirements of articles manufactured from iron and steel in India on the rupee tender system. Preference is given to articles of Indian manufacture when the quality is satisfactory and the price not unreasonable.

Company-managed Railways also make large purchases of iron and steel articles of Indian manufacture.

Pandit Lakshmi Kanta Maitra : May I know from the Honourable Member the extent of the purchases made in England ?

Mr. P. R. Rau : I must have notice.

Mr. S. Satyamurti : What is the percentage of iron and steel materials purchased by Company-managed Railways outside this country every year ?

Mr. P. R. Rau : I am afraid I have not got the figures here : I shall be glad to get them if my Honourable friend so desires.

ENQUIRY INTO THE SYSTEM OF LEVYING INCOME-TAX.

351. *Srijut N. C. Bardaloi : (a) Is there any chance of an enquiry by British experts about the system of levying income-tax ?

(b) If so, do Government propose to see that Indian businessmen are also associated with that Committee ?

The Honourable Sir James Grigg : I would refer the Honourable Member to the reply to question No 35 asked by Sardar Sant Singh

RE-TRANSFER OF SYLHET TO BENGAL.

352 *Srijut N. C. Bardaloi : (a) Are Government aware that a resolution was passed in the Assam Legislative Council some time back, at the instance of the members from Sylhet, that Sylhet should be transferred to Bengal on the ground that Sylhet is a part of Bengal by race and culture and as such it should be re-transferred to Bengal ?

(b) Do Government now propose to consider the question, in view of that resolution ?

The Honourable Sir Henry Craik : (a) I am aware of the Resolutions which have been discussed in the Local Legislative Council on this subject from time to time. But I might remind the Honourable Member that the last of these Resolutions, that was passed in 1928, *opposed* the transfer of Sylhet to Bengal. A Resolution moved in favour of the transfer in 1932 was withdrawn after discussion.

(b) No.

Srijut N. C. Bardaloi : Is the Honourable Member aware that there is a strong movement in the Assam Valley districts regarding this transfer of Sylhet to Bengal which is now being carried on ?

The Honourable Sir Henry Craik : If there is such a feeling, it has not been reflected in the Local Legislative Council.

Pandit Lakshmi Kanta Maitra : Is the Honourable Member aware that the people of Sylhet are in favour of being transferred to Bengal ?

The Honourable Sir Henry Craik : I am not aware that there is any unanimity of feeling in that direction.

Pandit Lakshmi Kanta Maitra : Is the Honourable Member aware that there is a vast volume of public opinion among the people of Sylhet that they should be transferred to Bengal ?

The Honourable Sir Henry Craik : No doubt there is some opinion in favour of the transfer. I am not prepared to admit that it is large.

Pandit Lakshmi Kanta Maitra : Is the Honourable Member aware that the Assamese people are willing that the people of Sylhet should be taken over by Bengal ?

The Honourable Sir Henry Craik : I have already said that, if there is such a feeling, it is not reflected in the decisions of the Legislative Council.

REPORT AND RECOMMENDATIONS OF THE COCOANUT INDUSTRY COMMITTEE.

353. *Mr. Samuel Aaron : Will Government be pleased :

- (a) to state whether they have considered the report and the recommendations of the Committee appointed to enquire into the cocoanut industry in India ;
- (b) if so, to place on the table of this House a copy of the report of the Committee ; and
- (c) to state what they have already done, or propose to do, to protect this industry from foreign competition ?

The Honourable Sir Muhammad Zafrullah Khan : (a) to (c) The Report and the recommendations of the sub-committee are under the consideration of the Government of India. The question of releasing the Report will be considered after the Government of India have completed their examination of the case.

Prof. N. G. Ranga : When did Government receive that Report ?

The Honourable Sir Muhammad Zafrullah Khan : I have not got the exact date

Dr. T. S. S. Rajan : May I know how long has this Report been under the consideration of the Government ?

The Honourable Sir Muhammad Zafrullah Khan : It has been under the consideration of the Government of India for some weeks, but I do not believe there has been any undue delay in considering this matter.

Mr. Samuel Aaron : May I know if there has been any increase in duty on cocoanuts ?

The Honourable Sir Muhammad Zafrullah Khan : It is obvious I cannot give an answer to that question before consideration of the Report has been completed

EXPORT AND IMPORT TRADE BETWEEN INDIA AND CEYLON.

354. *Mr. Samuel Aaron : Will Government please state .

- (a) if it is a fact that the Government of Ceylon have sent, or propose to send, a representative of theirs to confer with the Government of India and enter into a pact in regard to the export and import trade between India and Ceylon ; and
- (b) if so, at what stage the matter stands at present ?

The Honourable Sir Muhammad Zafrullah Khan : (a) In May, 1933, an official deputation from the Government of Ceylon visited Simla to discuss the question of the reciprocal grant of preferences between India and Ceylon.

(b) The discussions have been suspended pending a decision as to the appropriateness of the existing import duties on cocoanuts and cocoanut products.

Mr. T. S. Avinashilingam Chettiar : When do they propose to take up the discussion again ?

The Honourable Sir Muhammad Zafrullah Khan : After they have come to some decision with regard to the scale of duty on cocoanuts and cocoanut products.

Mr. F. E. James : May I ask, Sir, in view of the fact that this matter has been pending for a long time now, whether the Honourable the Commerce Member will do his best to expedite Government conclusions after they consider the Report ?

The Honourable Sir Muhammad Zafrullah Khan : I have recently been in the Kerala country, and several representations were made to me that the scale of duties on cocoanuts and cocoanut products required the immediate attention of the Government. and, being impressed by those representations, I am trying to do my very best to expedite the decision on the matter.

LEGITIMATE RIGHTS OF INDIANS IN CEYLON.

355. ***Mr. Samuel Aaron :** (a) With reference to their reply to parts (d) and (e) of the starred question No. 428, dated the 22nd February, 1935, regarding the legitimate rights of Indian Settlers in Ceylon, will Government please state whether any notice has been received from the Government of Ceylon regarding the appointment of a commission ; and

(b) if so, what action has been taken by Government in the matter ?

Sir Girja Shankar Bajpai : (a) No, Sir.

(b) Does not arise.

RECOMMENDATIONS OF THE DRUGS ENQUIRY COMMITTEE.

356. ***Mr. Mathuradas Vissanji :** (a) Is it a fact that the Drugs Enquiry Committee, appointed by the Government of India, submitted their report so far back as 1931 ?

(b) Have Government received representations from the Indian Merchants' Chamber and other Chambers of Commerce, as also from the Federation of Indian Chambers of Commerce and Industry, urging Government to initiate necessary legislation giving effect to the recommendations of the Drugs Enquiry Committee ?

(c) If so, will Government be pleased to state the reasons, if any, why action has been delayed for such a long time on this matter of all-India importance ?

(d) Are Government aware that, throughout the country, cases of adulteration of drugs, etc., are on the increase every year and that the public suffer helplessly through want of necessary and effective legislation to check this evil ?

(e) Will Government be pleased to state when they intend introducing a Bill giving effect to the various recommendations of the Drugs Enquiry Committee ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) Government have received such representations from several commercial associations.

(c) and (e). Legislation can be effective only if organisations to enforce its provisions as proposed by the Committee are set up both by the Government of India and by the Provinces. For financial reasons this has not been found possible so far. No scheme undertaken by the Government of India alone could be effective.

(d) The position may possibly be as stated by the Honourable Member.

BANIA SHOPS IN THE MARKET BAZAR, KASAUJI.

357. *Sirdar Jogendra Singh (on behalf of Mr. Sham Lal) . (a) Is it a fact that up to the year 1928 all kinds of shops, including what are called *bania* shops, or provision shops, were allowed to be opened, and continued to be in the Market Bazar, Kasauli, without any objection on the part of the Cantonment Authority ?

(b) Is it a fact that owing to a few plague cases having occurred in 1928, all *bania* or provision shops were closed down in order to prevent the breeding of rats, supposed to carry plague germs ?

(c) Are Government aware that there are a large number of stalls in the Market Bazar owned by the Cantonment Authority and rented yearly for unusually large sums and that, despite the prohibition of *bania* shops, all sorts of provisions and Indian sweetmeats have been allowed to be kept in the stalls, in spite of the repeated objections raised by the shopkeepers of Kasauli ?

(d) Is it a fact that in 1934 three shop-keepers, namely, Messrs. Baroo Mall & Sons, L. Mansa Ram Sud, and Messrs. Ram Chand Bool Chand, were allowed the monopoly for opening *bania* shops in the Market Bazar ?

(e) Are Government aware that the result of monopoly granted to these shop-keepers has been the practical ruin of the business of old and permanent shop-keepers in the old bazar of Kasauli ?

(f) Are Government aware that there exists a great feeling of resentment over this policy of discrimination and favouritism of the Cantonment Authority, and a number of representations had been made by All-India Cantonments' Association and the shop-keepers of Kasauli ?

(g) Are Government prepared to take immediate steps to see that either the *bania* shops and provision shops are removed from the Market Bazar, or all persons, without any discrimination, are allowed to open such shops in the Market Bazar on equal terms and conditions ?

Mr. G. R. F. Tottenham : (a) and (b). Yes

(c) There are 37 stalls in the Market Bazar, Kasauli Cantonment, which belong to the Cantonment Authority and have existed there for a long time. These stalls are leased annually on rents which are either auctioned or determined by tenders. This year seven stalls were rented to betelsellers who also sell sweetmeats, tea, biscuits, etc. The sale of *dhal*, ghee and other foodstuffs is prohibited.

(d) In 1934, three licenses were given to the persons named, but there was no question of monopoly.

(e) No.

(f) Government understood that the Cantonment Authority has received many representations and has given them due consideration. There is no intention of granting a monopoly to any of the shopkeepers. The Cantonment Authority do not consider it desirable to allow more *bania* shops dealing in food grains in that locality owing to its close proximity to the barracks. Rats are increasing in the Cantonment.

(g) Government are not prepared to interfere in the municipal administration of the Cantonment.

ENQUIRY INTO THE CONDUCT OF AN IMPERIAL SERVICE OFFICER.

358. ***Sardar Sant Singh** : (a) Will Government please state the number of Imperial Services officers who have been tried under Act XXXVII of 1850 ?

(b) Will Government please state how many of them were tried by one Commissioner and how many by two or more ?

(c) Will Government please state who is the competent authority to order an enquiry into the conduct of an Imperial Service officer ?

(d) Will Government please state whether any Local Government has any authority to order or institute an enquiry, under Act XXXVII of 1850, into the conduct of an Imperial Service officer ?

The Honourable Sir Henry Craik : (a), (b) and (c) I would refer the Honourable Member to the reply given to Sardar Mangal Singh's starred question No. 313.

(d) No

PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

359. ***Sardar Sant Singh** : (a) Will Government please state the number of Permanent Way Inspectors on the North Western Railway ? How many of them are Hindus, Sikhs, Muslims, Anglo-Indians, domiciled Europeans, Indian Christians, and Parsis ?

(b) What is the total population of the Sikhs in the Punjab, North-West Frontier Provinces, Sindh and the Delhi Province, through which the North Western Railway passes ?

(c) What is the proportion of Sikhs to the population of the Muslims, Hindus, Anglo-Indians, domiciled Europeans, Indian Christians and Parsis ?

(d) Has the attention of Government been drawn to the notice issued by the North Western Railway, inviting applications for admission to the Walton Training School, Lahore Cantt., to undergo training as Permanent Way Apprentices from the 16th September, 1935 ? If so, what proportion of the vacancies has been reserved for each community and why ?

Mr. P. R. Rau : (a) The available information will be found in the North Western Railway Classified List of subordinate staff of all Branches in receipt of Rs. 250 per mensem and over or on scales of pay rising to Rs. 250 per mensem and over, a copy of which is in the Library of the House.

(b) and (c). I would refer the Honourable Member to the Census of India, 1931, Volume I, India, Part II, a copy of which is in the Library of the House.

(d) The Agent, North Western Railway, reports that of the ten vacancies, eight have been reserved—six for Muslims, one for Anglo-Indians and one for other minority communities. These proportions were fixed in accordance with the instructions regarding the representation of Muslims and other minority communities in railway service.

EQUIPMENT OF THE AJMER RAILWAY WORKSHOPS WITH ADDITIONAL PLANT AND MACHINERY FOR THE MANUFACTURE OF LOCOMOTIVES.

360. *Mr. V. V. Giri : What additional amount of capital has been invested to equip the Ajmere Railway Workshops with necessary additional plant and machinery for the manufacture of locomotives ?

Mr. P. R. Rau : The Ajmer Railway Workshops have carried out repairs to locomotives as well as the building of locomotives for the past 39 years. The greater part of the machinery is employed both on repairs and building. It is, therefore, not possible to state how much of the capital invested in the workshops is attributable to repair work and how much to the building of locomotives.

LOCOMOTIVES MANUFACTURED IN THE AJMER RAILWAY WORKSHOPS.

361. *Mr. V. V. Giri : Will Government be pleased to state the number of new locomotives of different type manufactured in Ajmere Railway Workshops during each of the last five years and the respective cost per locomotive of each type ?

Mr. P. R. Rau : I place on the table a statement giving the information required

Locomotives manufactured in Locomotive Shops, Ajmer

Item No.	Year in which manufactured	Number manufactured	Class manufactured	Cost per locomotive.	Remarks.
				Rs.	
1	1930-31	7	G2	51,729	
2	"	2	YD	77,680	
3	1931-32	13	YD	77,680	
4	1932-33	15	YD	73,396	
5	1933-34	13	YD	84,183	These locomotives were fitted with Poppet Valve gear. These figures are estimated ones. Completion costs are not yet available, but they will probably be lower than the estimated ones.
6	1934-35	2	YD	84,183	
7	"	14	YB	81,264	

Mr. V. V. Giri : May I ask the Honourable Member, apart from the assembling of parts of locomotives, whether there is any real manufacture of locomotives in Ajmer Workshops ?

Mr. P. R. Rau : I think the position was fully explained by the Honourable the Railway Member the other day. What the Ajmer Workshops do, to the best of my knowledge, is to purchase a certain amount of fittings and parts. They do not, I believe, manufacture all the parts of the locomotives themselves.

Mr. V. V. Giri : Can the Honourable Member give us information as to what parts are manufactured in Ajmer Workshops or at least can he give us that information at a future date ?

Mr. P. R. Rau : I should have notice of that question, Sir.

Mr. T. S. Avinashilingam Chettiar : What percentage of parts are manufactured in Ajmer Workshops and what percentage of parts are imported ?

Mr. P. R. Rau : I should like to have notice of that question, Sir.

SALOONS AND INSPECTION CARRIAGES ON EACH RAILWAY.

362 **Mr. V. V. Giri :** (a) Will Government be pleased to state the number of saloons that were utilised, without ordering for new ones, by pooling the existing stock on different Railways ?

(b) What is the present number of saloons and inspection carriages on each Railway ?

(c) Is it a fact that nearly 40 per cent. of the officers have saloons provided for them and if not, what is the actual percentage ?

(d) Will Government be pleased to state the annual costs of repair and maintenance incurred on saloons on each Railway since 1931 ?

Mr. P. R. Rau : (a) and (b). The latest information available is in the statement placed before the Standing Finance Committee for Railways in June, 1934, and contained in the Proceedings of their Meeting, Volume XI, No. 2. The extent to which pooling has been resorted to is shown in that statement.

(c) The percentage differs on different railways. The percentage for each railway will be found in the statement I have referred to.

(d) I regret that the information is not available as accounts for reserved inspection carriages are not kept separately.

RENEWAL OF WAGONS ON INDIAN RAILWAYS.

363. ***Mr. V. V. Giri :** Will Government be pleased to state whether it is a fact that the Indian Railway Conference Association have pressed for renewal of nearly 21,900 wagons on Indian Railways ? If so, will Government be pleased to state the data on which the Association came to the above conclusion ?

Mr. P. R. Rau : The Operating Committee of the Indian Railway Conference Association expressed the opinion that at present 21,923 wagons are uneconomical to run and has recommended that they should be re-conditioned or replaced during the three years commencing 1936-37.

The opinion of the Committee is based on a consideration of the ages of the wagons, the cost of a periodical overhaul for certain types compared with the average cost and their unsuitability to conform with and to stand up to modern traffic conditions.

Mr. V. V. Giri : Have they submitted any report ?

Mr. P. R. Rau : I think, Sir, they have sent a letter to the Government of India on the point.

Mr. V. V. Giri : Will that letter be placed before the Railway Standing Finance Committee for consideration ?

Mr. P. R. Rau : No, when proposals are placed before the Standing Finance Committee for re-conditioning or purchasing wagons, the information contained there will be available to them

ENQUIRY INTO THE CONDUCT OF AN IMPERIAL SERVICE OFFICER.

364. ***Mr. Muhammad Azhar Ali :** Will Government please state how many officers of the Imperial Service have been tried under Act XXXVII of 1850, and how many of them were tried by one Commissioner and how many by two or more ?

The Honourable Sir Henry Craik : I would refer the Honourable Member to the answer given to Sardar Mangal Singh's starred question No. 313

PRESSES AND NEWSPAPERS PUNISHED IN CONNECTION WITH ARTICLES ON THE SILVER JUBILEE FUND OR THE QUETTA EARTHQUAKE RELIEF.

365. ***Pandit Sri Krishna Dutta Paliwal :** Will Government be pleased to state the names of the presses and papers whose securities have been confiscated, or from whom securities have been demanded under the Press Act, in connection with the articles on the Silver Jubilee Fund or the Quetta earthquake relief, together with the amount of securities demanded or confiscated from each ?

The Honourable Sir Henry Craik : I lay on the table a statement which gives the information desired.

Statement showing action taken against newspapers and presses under the Indian Press (Emergency Powers) Act, 1931 for Publication of articles on the Silver Jubilee Fund and the Quetta Earthquake Relief.

Serial No.	Name of newspaper or Press	Amount of security demanded.	Amount of security forfeited.	Remarks
		Rs.	Rs.	
1	Bandemataram, Calcutta	500	..	For publication of an article on the Silver Jubilee celebrations.
2	Santi Press, Calcutta ..	500	.	Ditto.

Serial No.	Name of newspaper of Press.	Amount of security demanded.	Amount of security forfeited	Remarks.
		Rs	Rs.	
3	Kistna Patrika, Masulpatam .	2,000		For publication of an article or articles on the Quetta Earthquake Relief.
4	Trilinga, Madras	1,500		Ditto
5	Dhinamani, Madras	2,000		Ditto.
6	Prabhat, Mangalore	2,000		Ditto
7	Mangalore Press, Mangalore .	2,000		Ditto.
8	Indian Express Press, Madras	2,000		Ditto.
9	Free Press Journal, Bombay	.	10,000	Ditto
10	Free Press Bulletin Press, Bombay		10,000	Ditto.
11	Khilafat Daily (or Roznama-e-Khilafat), Bombay	1,500		Ditto
12	Khilafat Press, Bombay	1,500	.	Ditto.
13	Bombay Standard, Bombay .		1,000	Ditto.
14	Sun Printing Press, Bombay	1,000		Ditto
15	Siyasat Hyderabad (Sind)	1,000		Ditto
16	Chandan Electric Printing Press, Hyderabad (Sind) .	1,000		Ditto.
17	Khadim Quadim, Calcutta .	500	.	Ditto.
18	Kamali Press, Calcutta	500	.	Ditto.
19	Medina, Bijnor	.	1,000	Ditto.
20	Vikas, Saharanpur	1,000	.	Ditto.
21	Shujaat, Lahore	1,000	..	Ditto.
22	Hindustan Press, Lahore	1,000	.	Ditto.
23	Tej, Delhi ..		1,000	Ditto.
24	Qaumī Gazette, Delhi .	1,000	.	Ditto.
25	Arjun, Delhi ..	..	2,000	Ditto.

Pandit Sri Krishna Dutta Paliwal : Will Government be pleased to lay on the table copies of the offending articles?

The Honourable Sir Henry Craik : I think we have got them all, at any rate I am quite prepared to lay such as we have.

NON-APPOINTMENT OF AN INDIAN AS PRESIDENT OF THE TARIFF BOARD

366. ***Pandit Sri Krishna Dutta Paliwal** : Will Government please state the reason or reasons for not appointing an Indian as President of the Tariff Board in place of Mr. Wiles ?

The Honourable Sir Muhammad Zafrullah Khan : Mr. Fazal Ibrahim Rahimtoola was appointed President of the Tariff Board in place of Mr. Wiles, and the question, therefore, does not arise

MEMBERS OF THE INCOME-TAX ENQUIRY COMMITTEE.

367. ***Pandit Sri Krishna Dutta Paliwal** : (a) Will Government be pleased to state the names of the members of the Income-tax Inquiry Committee ?

(b) How many of them are Indians ?

The Honourable Sir James Grigg : I would refer the Honourable Member to the reply to question No. 35 asked by Sardar Sant Singh. The enquiry will be conducted by two experts from the British Inland Revenue and one Indian member of the Indian Income-tax Department.

PROHIBITIVE DUTY ON CLOVE IMPORTS AND PROTECTION AGAINST INDEFINITE MORATORIUMS DEMANDED BY INDIANS IN ZANZIBAR.

368. ***Pandit Sri Krishna Dutta Paliwal** : Are Government aware that Indians in Zanzibar at a mass meeting on the 16th June, 1935, demanded prohibitive duty on clove imports and protection against indefinite moratoriums ? If so, what steps, if any, have Government taken, or propose to take, to see that these demands are fulfilled ?

Sir Girja Shankar Bajpai : The answer to the first part of the question is in the affirmative. As regards the second part I would refer the Honourable Member to the answers I have already given during this Session to the numerous questions about Indian grievances in Zanzibar.

CONSIGNMENTS OF GOODS FOR INDIAN IMPORT THROUGH EMPIRE SHIPPING.

369. ***Pandit Sri Krishna Dutta Paliwal** : (a) Is it a fact that Government issued a circular letter to all the Local Governments, asking them to suggest to the major municipalities of their provinces that exporters should be directed to consign goods for Indian import through Empire shipping ?

(b) Will Government be pleased to lay a copy of the circular on the table of this House ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes.

(b) A copy of the letter is laid on the table.

FROM H. S. MALIK, ESQUIRE, I.C.S., DEPUTY SECRETARY TO THE GOVERNMENT OF INDIA,
DEPARTMENT OF COMMERCE, TO ALL LOCAL GOVERNMENTS AND ADMINISTRATIONS.
No. 53-M.I./34, DATED NEW DELHI, THE 22ND MARCH, 1935.

SUBJECT :—*Utilisation of British Shipping for the carriage of cargo to and from the countries of the British Commonwealth*

I am directed to refer to the letter, which was forwarded with the letter from the Government of India, Home Department, No. F. 55/33-Ests., dated the 23rd March.

1934, requesting officers entitled to Lee Concession passages to travel by Empire Ships. It was pointed out in that letter that the promotion and development of Imperial trade are dependent to a large extent upon the maintenance of the shipping of the British Empire and that this Shipping is at present meeting with severe and unequal competition from State-aided foreign lines.

2 I am to say that, in order to secure the growth and maintenance of Imperial Shipping which is an interest of the whole Empire, it has now been suggested that public or semi-public organisations concerned with the shipment of produce or the importation of goods from overseas should give the fullest possible employment to Empire ships. I am accordingly to request that, if there is no objection, Port Trusts, important municipalities and other local bodies under the control of the Government of Bengal may be addressed in the matter.
etc., your control

Mr. S. Satyamurti : Why did they do that ?

The Honourable Sir Muhammad Zafrullah Khan : A copy has been laid on the table, because it has been asked for.

Mr. S. Satyamurti : Surely my Honourable friend must take it a little more seriously. I am asking why this Government issued this circular letter.

The Honourable Sir Muhammad Zafrullah Khan : I beg your pardon.

Mr. S. Satyamurti : I thought it was very obvious.

The Honourable Sir Muhammad Zafrullah Khan : It was not so. If it were so, I would have replied to the question certainly. The letter was issued in order to encourage Empire shipping as against non-Empire shipping.

Mr. S. Satyamurti : What is the proportion of Indian shipping in Empire shipping ?

The Honourable Sir Muhammad Zafrullah Khan : The question does not arise out of my reply.

Mr. S. Satyamurti : Yes, it does. I am asking what is the benefit to this country by asking Local Governments to suggest to their major municipalities that exporters should be directed to consign goods for Indian import through Empire shipping. I want to know what is the benefit to this country.

The Honourable Sir Muhammad Zafrullah Khan : As I have already said, the question does not arise out of my reply.

Mr. S. Satyamurti : It is for you, Sir, to rule.

Mr. President (The Honourable Sir Abdur Rahim) : The Honourable Member had better put down another question.

Mr. S. Satyamurti : That will be Delhi Session, Sir.

Mr. T. S. Avinashilingam Chettiar : Is that a suggestion or an order, Sir ?

The Honourable Sir Muhammad Zafrullah Khan : It is not an order.

Mr. S. Satyamurti : Was this Government asked by the British Government to issue this communiqué, or was it a spontaneous act of Empire loyalty ?

The Honourable Sir Muhammad Zafrullah Khan : If my Honourable friend will put down a question on the subject, I will ascertain and give a reply.

Mr. S. Satyamurti : I shall put down a short notice question, and I hope the Honourable Member will be able to give me a reply

The Honourable Sir Muhammad Zafrullah Khan : I will not accept short notice. It is not a matter of urgency.

Mr. S. Satyamurti : Then, I ask for a definite ruling from you, Sir

Mr. President (The Honourable Sir Abdur Rahim) : If the Honourable Member is not prepared to accept short notice, what can the Chair do ?

Mr. S. Satyamurti : I am asking for a ruling, Sir. My question is this, did Government issue the circular out of their own spontaneous loyalty, or was there any suggestion, direct or indirect, by the British Government to the Government of India ? This supplementary question arises out of part (a) of the original question.

The Honourable Sir Muhammad Zafrullah Khan : My reply is that I require notice of that question

EXTERNED OR EXILED PERSONS NOT ALLOWED TO RETURN TO INDIA.

370. **Pandit Sri Krishna Dutta Paliwal :** (a) Will Government be pleased to state the names of the persons who have been externed or exiled from India, as also of those who are not allowed to return to their motherland ?

(b) Do Government propose to allow them to return to their country ? If so, when ? If not, why not ?

The Honourable Sir Henry Craik : (a) and (b) There are only two British Indian subjects who have applied for and been refused facilities to return to India during the past ten years. One is Sailendra Nath Ghose with whose case I dealt very fully in the replies given in this House on the 15th August, 1934, and 1st April last to Messrs Mitra's and Satyamurti's questions Nos. 622 and 1287, respectively, and the supplementary questions thereon. I have nothing further to add to what was stated by me on those occasions. The second is Benoy Roy Chaudhuri who was released from detention under Regulation III of 1818 and allowed to go to Europe for medical treatment on the understanding that if he returned to India without permission he would again become liable to detention under the Regulation.

Pandit Sri Krishna Dutta Paliwal : May I know what are the offence or offences for which these people have been externed ?

The Honourable Sir Henry Craik : There is no question of an offence.

Mr. T. S. Avinashilingam Chettiar : Then why were they refused permission ?

The Honourable Sir Henry Craik : I have explained that in the case of Sailendra Nath Ghose at considerable length. As regards the other person, Benoy Roy Chaudhuri, he has not been allowed to return to India, because his presence in this country would be a source of

danger to the public peace, but, as a matter of fact, his case is at the moment under consideration.

Mr. S. Satyamurti : Did Mr. Subhash Chandra Bose apply for permission to return to India ?

The Honourable Sir Henry Craik : No.

Mr. S. Satyamurti : He has not applied ?

The Honourable Sir Henry Craik : No.

Mr. M. Asaf Ali : Is he free to come back ?

The Honourable Sir Henry Craik : That does not arise ?

Mr. M. Asaf Ali : The question was : Will Government be pleased to state the names of the persons who have been externed or exiled from India, as also of those who are not allowed to return to their motherland. And my supplementary question is, whether Mr. Subhash Chandra Bose is free to come back to India. That arises out of, "as also of those who are not allowed to return to their motherland".

The Honourable Sir Henry Craik : The question asked me to state the names of the persons who have been externed or exiled from India.

Mr. M. Asaf Ali : See the latter portion, "as also of those who are not allowed to return to their motherland." My question is, is Mr Subhash Chandra Bose free to return to India ?

The Honourable Sir Henry Craik : So far as I know.

Mr. M. Asaf Ali : May I know whether Mr. Hardyal and Barendra Nath Chattopadhyaya are free to come back to India ?

The Honourable Sir Henry Craik : So far as I am aware, Mr. Hardyal is free to come back to India. I have no information that he is not.

Mr. M. Asaf Ali : He is free to come back ?

The Honourable Sir Henry Craik : Of course, if he takes the consequences.

Mr. M. Asaf Ali : What about Mr. Barendra Nath Chattopadhyaya ?

Members on the Congress Nationalist Benches : We cannot hear anything on this side.

Mr. M. Asaf Ali : Is Mr. Barendra Nath Chattopadhyaya free to come back to India—Mr. Sarojini Naidu's brother ?

The Honourable Sir Henry Craik : So far as I know, he is but the Honourable Member had better put down a question.

Dr. Khan Sahib : Is Kazi Abdul Wali free to return to this country ?

The Honourable Sir Henry Craik : The Honourable Member had better put down a question. I have not got his name here, but I imagine he is free. In any case, the Honourable Member had better put down a question.

Pandit Sri Krishna Dutta Paliwal : What about Raja Mahendra Pratap ?

The Honourable Sir Henry Craik : I have explained in answer to a previous question. He is not a British Indian subject to the best of my belief.

RACIAL DISCRIMINATION IN THE EAST INDIAN RAILWAY HOSPITAL AT TUNDLA.

371. **Pandit Sri Krishna Dutta Paliwal :** (a) Is it a fact that in the East Indian Railway Hospital at Tundla, European and Anglo-Indian nurses attend to the Indian patients only in specific cases, when the District Medical Officer considers it necessary? If so, will Government be pleased to state the reason or reasons for this racial discrimination?

(b) Is it also a fact that Indians are not allowed to use the swimming bath at Tundla? If so, why? Do Government propose to remove this racial discrimination?

Mr. P. R. Rau : (a) Government are informed that this is not the case and that there is no racial discrimination in the matter of nursing in the medical department of the East Indian Railway.

(b) Government understand that the swimming bath at Tundla is run by the European Institute Swimming Club, whose members pay subscriptions from which the expenses of water, electric current, etc., are met, and that no demand has so far been made by the Indian community for a swimming bath.

Mr. E. H. M. Bower : In view of the obvious inference from part (a) of the question that Indian patients prefer to be attended to by European and Anglo-Indian nurses, will Government see that the proportion of European and Anglo-Indian nurses in hospitals is not reduced?

Mr. P. R. Rau : I do not think that arises out of this question.

Mr. S. Satyamurti : With reference to the answer to part (b) of the question, does the Railway Authority make any contribution to this institution?

Mr. P. R. Rau : I think the swimming bath was probably built at the expense of the railway, but the maintenance is by the European Institute.

Mr. T. S. Avinashilingam Chettiar : Is it entirely maintained by the European Institute?

Mr. P. R. Rau : I understand that the members pay subscription from which the expenses of water, electric current, etc., are met.

Mr. S. Satyamurti : Does the Railway Authority contribute any portion of the expense of maintaining this bath?

Mr. P. R. Rau : I must have notice of that question. They say that the expenses of water, electric current, etc., are met by the subscriptions that the members pay. But there may be other items of expenditure on maintenance which I am not sure of.

Mr. S. Satyamurti : Will the Honourable Member make an enquiry and find out whether there is any racial discrimination practised, and, if so, will he see that it is removed?

Mr. P. R. Rau : I am sure that if the Indian members of the staff form a club and are prepared to pay for the expenses of water, electric current, etc., the administration would be prepared to allot to them certain time in which they can use the bath.

Mr. T. S. Avinashilingam Chettiar : Supposing the members of the Indian community who want that are few, will the benefit of this Club be denied to them on racial grounds ?

Mr. P. E. Rau : That is a hypothetical question.

MOTION FOR ADJOURNMENT.

GOVERNMENT CIRCULAR PROHIBITING THE CONGRESS ASSEMBLY PARTY COMMITTEE TO ENQUIRE INTO AND REPORT UPON THE ADMINISTRATION OF THE REPRESSIVE LAWS IN BENGAL.

Mr. President (The Honourable Sir Abdur Rahim) : Order, order.

12 NOON. I have received notice from Mr. Paliwal that he proposes to ask for leave to move a motion for the adjournment of the business of the House today for the purpose of discussing a definite matter of urgent public importance, namely, the issuing of a circular by the Government of India prohibiting the work of the Committee appointed by the Congress Assembly Party to enquire into and report upon the administration of the repressive laws in Bengal. I should like to know from the Honourable Member how he thinks his motion is in order. A number of questions have been asked in this House on this subject already.

Pandit Sri Krishna Dutta Paliwal (Agra Division : Non-Muhamadan Rural) : The questions did not lead to any discussion. We understood only yesterday in reply to certain questions that a circular has been issued by the Government.

Mr. President (The Honourable Sir Abdur Rahim) : Does this matter refer to Mr. Mohan Lal Saksena's visit to Bengal ?

Pandit Sri Krishna Dutta Paliwal : Mr. Mohan Lal Saksena has received an answer from the Home Member that the circular is a confidential one and Government are not prepared to disclose it in the public interest.

The Honourable Sir Henry Craik (Home Member) : I do not admit that there was a circular.

Mr. S Satyamurti : Do you deny it ?

The Honourable Sir Henry Craik : Why should I deny it ?

Mr. President (The Honourable Sir Abdur Rahim) : Does your motion refer to Mr. Mohan Lal Saksena's visit and to the prohibition to make this inquiry ?

Pandit Sri Krishna Dutta Paliwal : The point is that a circular has been issued by the Government of India to all the Local Governments prohibiting the inquiry which the Congress Party was conducting and putting impediments in the way of that inquiry.

The Honourable Sir Henry Craik : No such circular was issued.

CIRCULAR REGARDING GOVERNOR GENERAL'S ADDRESS TO
THE MEMBERS OF THE INDIAN LEGISLATURE.

Mr. President (The Honourable Sir Abdur Rahim) : Honourable Members are aware that His Excellency the Governor General will address the Members of the Indian Legislature on Monday, the 16th September, 1935, at 11 o'clock in this Chamber. In connection with the said Address, the Secretary of the Legislative Assembly has issued Circular No. LXXII, dated the 21st August, 1935, informing Members about the dress which is to be worn on the occasion. He has also suggested therein that Honourable Members should arrive at the Chamber by a specified time. Mr. Sri Prakasa has given notice of a question asking under what authority such Circulars are issued by the Secretary and has also informed the Chair that there are several other Honourable Members who are also interested in this matter. The question referred to is not admissible as it relates to a matter which is not primarily the concern of the Governor General in Council, but I think it desirable to make a statement in the House to clarify the position.

Under sub-section (3) of section 63-B of the Government of India Act, the Governor General has the right of addressing the Legislative Assembly and may for that purpose require the attendance of its Members. In exercise of this right, the Governor General, by a written order, fixes the place, date and time of the Address which is communicated to Honourable Members by the Secretary of the Legislative Assembly. Under instructions from His Excellency, the Military Secretary informs the Secretary of the Assembly as to the dress which should be worn by Honourable Members on the occasion of the Address, and the Secretary of the Assembly communicates these instructions to Members through a circular. The Secretary in such cases merely acts as a medium between the Governor General and the Members of the Assembly just as the Secretary of the Council of State does as far as the Council of State is concerned. I may also point out that the Legislative Assembly Department is included in the portfolio of the Governor General.

Honourable Members are aware that the traffic outside the Assembly Building is regulated by the Police who are under the administrative control of the Local Government. With a view to avoiding congestion of traffic at the time of His Excellency's arrival at the Assembly Building on the day of the Address, the Police always issue special instructions to close all avenues and approaches to the Building before 11 A.M. In order that the Honourable Members may not be put to any inconvenience on account of Police instructions regarding the regulation of traffic outside, the Secretary in his Circular suggests to them that they should arrive at the Chamber by a particular time.

I may inform Honourable Members that the procedure of issuing such a Circular to Members of the Legislative Assembly is not a new one, but has been followed since 1921 and no objection whatsoever has been taken before.

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL—*contd.*

AMENDMENT OF SECTION 51.

Mr. President (The Honourable Sir Abdur Rahim) : The Assembly will now resume further consideration of the following motion moved by

the Honourable Sir Henry Craik on Tuesday, the 3rd September, 1935, viz. :

“ That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (*Amendment of section 51*), be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Mr. M. Asaf Ali, Mr. M. Ananthasayanam Ayyangar, Mr. Muhammad Azhar Ali, Mr. M. Ghiasuddin, Mr. Lalchand Navalrai, Mr. T. Chapman-Mortimer, Captain Rao Bahadur Chaudhri Lal Chand, Mr. A. G. Clow, Mr. J. M. Chatargi and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : When this Bill was brought before this House for circulation, I wanted the Honourable the Home Member to give me an assurance that the peasants' associations also, wherever they have existed, should be circularised on this Bill, with a view to ascertain their views. I find from the papers that have been circulated in this House and the opinions that have been obtained by the Government of India that not even one peasants' association has been approached for its opinion anywhere in this country. Sir, if this Bill is to benefit any one at all, it must be the industrial workers, agricultural workers and peasants mostly and I find that not even the Trade Union Congress has been sounded for its opinion and, of course, the agricultural workers have not been approached at all for their opinion. We find here opinions of High Court Judges and other Government officials, of Chambers of Commerce, big merchants, Nattukottai Chettians and several others who are deeply interested in the moneylending business or whose relatives are themselves moneylenders. Naturally any Bill, however little it may affect adversely the interests of the moneylender, will be abnoxious to them and, therefore, it is no wonder that many of these opinions are opposed to this harmless and even inadequate Bill. Even in case, where the Governors in Council are in favour of this particular Bill, District Magistrates, Judges and several other officers are found to be opposed to this. High Court Judges, especially in the Punjab, Bengal and the United Provinces have supported this Bill and yet some judges have thought it fit to note their individual opinions against this Bill and several District Judges are found opposing this Bill. Sir, if this is the way in which opinion is canvassed in this country, for a Bill which is expected to benefit peasants and workers industrial and agricultural, and other masses even to the slightest possible extent, then it would be impossible to find on record any opinion which will be found to be in favour of a Bill like this. I, therefore, Sir, again submit for the consideration of this House, as well as of the Government, that at least in future, whenever any such Bill is proposed to be circulated in this country, proper steps should be taken so that the people who will be materially benefited by a Bill like this should themselves be consulted and their opinion canvassed and their feelings ascertained, so that this House as well as the Government will be in a better position to judge how the real public opinion in this country stands. Sir, I find that only a few District Judges and one Governor in Council and one acting Governor were in favour of the main principle that imprisonment for debt should be abolished altogether. Yet one of them, the Director of Industries, Madras, maintains, that this question of imprisonment for debt cannot be taken up now seriously by legislators in view of the fact that opinion in its favour or against it has not been properly canvassed in this country. If only this Bill had been placed and circulated amongst

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peasants, then this Government as well as this House would have been overwhelmed with their definite view in favour of the abolition of imprisonment for debts. Sir, with regard to this barbaric practice of handing over not only the property, not only the assets, movable and immovable but also the persons of the unfortunate debtors to the creditors for whatever they may like to do with those assets.

Sir, I am reminded of the days of Shylock when for every pound of gold pound, that had remained unpaid, a pound of flesh was demanded. Sir, if in these days a pound of human flesh is not demanded, at least a more valuable asset, the living flesh, is being demanded by our moneylenders in this country in satisfaction of the monies owing to them. Sir, when money is lent to anybody, we expect the moneylender to do so not because he has the vicarious right of putting this particular man in jail but because he has a faith in the property owned by that debtor, movable and immovable and also in the credit possessed by that man. It is quite true that credit in any country will become impossible if the creditors can have no faith in the honesty and straightforwardness of the debtors. But, at the same time, it is not fair to expect debtors to be constantly afraid of this particular contingency that some day they may fail in their business owing to some unforeseen circumstances like the earthquake or a cyclone or some economic depression, when their assets may shrink suddenly, and they may then find themselves in a helpless and hopeless condition and unable to pay their debts and, therefore, they have to stand this risk, this inhuman risk of being put in jail for no fault of their own. Sir, it is not fair to subject the debtors of this country in their millions to this terrible and inhuman risk. It would not have mattered if only this risk had remained there unused and disused, but unfortunately it has been so badly used and taken advantage of by moneylenders and so very badly and inhumanly permitted by the judges that millions of the poor people are placed in this unhappy position.

Sir, we were charged during the course of the last few days' debate in one breath of not having any faith in our judges and in another breath of having a faith in our judges. Yet while our judges seem to me, sometimes, especially in criminal matters, to be a little more favourable to us than the executive, the judges in civil affairs seem to be, Sir, with due respect for your profession, seem to be very much on the side of the moneyed classes, very much on the side of the powerful and the influential and the privileged classes, very much on the side of the moneylenders. It is very difficult, Sir, anywhere in this country, to find many district Munsifs or judges who really can be said even to be impartial as between creditors and debtors. Invariably it has been found in our experience, namely, that of the peasants, that judges have weighted the scales against the debtors, against the poor, against the peasant, against the worker, and it is not an unfair criticism, it is not an unfair statement of the conduct of the Courts for me to have to state, on behalf of the poor peasants and workers in this country, that the poor peasants and workers in this country have lost their faith in the Courts, at any rate in the civil Courts of this country,—not because the peasants and workers are dishonest, not because the peasants and workers are not anxious to have justice, not because the peasants and workers themselves are not willing to be on the side of justice, but because justice has not been doled out by the so-called suppliers of justice, the Courts, to

other country they had been faced with an economic depression half as serious, half as bad as we have been faced with, the peasants there would certainly have received very much better and more lenient treatment than they have been permitted to receive from the hands of our Courts and judges in this country. Sir, in thousands and thousands of cases the moneylenders have allowed themselves to be panicky and to be harassed by bigger moneylenders and have rushed down upon the poor peasants and workers with their demands for the liquidation of their debts. Sir, what has happened in the innumerable villages we have, in the last five years, is not very dissimilar to a run on a bank that we come across now and then in the western countries, and yet what have those western Governments done, Sir, on such occasions? In Germany, when there was a similar run on the Reichsbank, the Government of the day issued a decree that the bank should close its doors and any creditor who insisted upon the payment of his total deposits was liable to be put in jail for a certain period. Again, Sir, in America there was a similar run and a disastrous run on banks in 1929 and 1930, and similar and equally momentous steps were taken by Government there to protect their banks and also to protect the depositors from committing economic suicide. But here in this country we have found our Government doing nothing at all, we have found our Government napping, we have found our Government snapping their fingers at anybody who dared to mention any idea. We have found our Government talking even of muddleheadedness when anyone had the courage or good sense to bring forward, for the consideration of this Government, any idea of economic planning or economic reconstruction,—which is the vogue of the day everywhere else in the world. At least, thanks to the experience that our Home Member has had in that agrarian province of the Punjab, we are faced now today with this very inadequate Bill. It does not go far enough at all. It does not touch even the fringe of the problem and it still keeps that obnoxious provision that a man may still be put into jail for not having been able to pay his debts. It still keeps that provision according to which, in the opinion of the Courts, a man may be put into jail for very flimsy and very trivial reasons. A man may not be able to find money in his own house, in his own village or in his neighbourhood and he may be thinking of going to some other village in his neighbourhood and bringing some money in order to pay off his debt. And yet if by any chance, he goes beyond the particular geographical limit prescribed by the Court for its own jurisdiction, he is liable to be hauled up and put into jail. If it is found that after a due inquiry has been held by the Court the man has been unable to pay the decretal sum within the ten days that are prescribed here, it would be impossible for him to escape from the clutches of the jailor and of the civil debtors' jail. And yet my Honourable friend, Mr. Clow, looked a bit surprised when I said that this Bill does not even touch the fringe of the problem.

Why is it that Government are really so very solicitous about the needs of the moneylenders? Is it because the moneylenders, apart from being able to put their debtors into jail, are not able otherwise to recover their sums? If they are afraid that a man may try to alienate his property, it is still open to them to approach the Court to give an injunction so that all movable properties as well as the standing crops could be attached. It would still be open to them to

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debtors. It would still be open to them to see that any sale deeds that may be registered after the decree has been issued should be cancelled. If these provisions and if these safeguards are not enough to enable the moneylenders to recover their debts, then, Sir, the proper solution is not that the judgment-debtors should be sent to jail but that moneylenders should cease lending any money at all. Among the opinions circulated to us I find an opinion expressed by the Secretary of the Madras Provincial Co-operative Bank. This bank is the biggest moneylender in the whole of the Madras Presidency and even Raja Sir Anamalai Chettiar with all his crores and with all his credit at the Imperial Bank and other banks cannot claim to compete with this Co-operative Bank. And what is it that the Secretary of this bank says in regard to this particular Bill? He says that it does not go far enough! He goes even further and says that it is really barbarous in these days of 1935 to still keep on the Statute-book this wretched provision of putting civil debtors into jail. He maintains that there is no fear at all that, if this particular provision were to be removed, the debtors will not re-pay their debts and the creditors will not be able to recover their debts because, he says with great authority that nearly 70 crores of rupees is being borrowed every year for short term needs by peasants and is regularly re-paid. If Government want any other facts, they are themselves in possession of some remarkable facts. Let them look into the statistics they have got in regard to the operation of the Agricultural Land Improvement Loans Act. Then they will be able to satisfy themselves that agriculturists have not been found wanting in their willingness to pay. They have always paid their debts to the fullest possible extent if their resources have permitted them to do so. Now, Sir, what is it that has happened during the last four or five years? Even the Imperial Bank has been able to recover a large portion of its own investments amongst the agricultural classes simply because it had more sense and more wisdom to grant sufficient times wherever it was needed for its debtors to re-pay their debts. But, unfortunately, our moneylenders have not been in all cases actuated by merely commercial or financial motives. In many cases they have been actuated by personal motives of malice, of envy and of jealousy. They have for a long time been coveting the lands of the agriculturists and, except in the Punjab, they have not been controlled in their powers for acquiring the land of their peasants. They have been anxious to become landholders so that they may raise their social status in this country of peasant proprietors. And they have found their best chance in the economic depression. Once they found that their debtors were not in a position to pay, they jumped on them, began to harass them and succeeded in their ambition of obtaining as much land as possible for their own use and thus depriving the poor peasants of their lands which they had inherited from their forefathers, which are their only assets and which they have come to love. Some timely steps were needed at that time to protect these peasants from these moneylenders and from their ravages. And yet the Government of India as well as the Provincial Governments have kept themselves mum. They, however, called an Economic Conference in order to throw off this responsibility of having to deal with the agrarian

of the provinces, so that the Central Government may not be harassed either by the Legislative Assembly or by any inconvenient public opinion. And what is it that the Provincial Governments have done? In the Punjab, I admit, something has been attempted to be done and they have passed certain laws which, if properly executed, might be able to relieve a portion of the agrarian distress. In the United Provinces as well as in the Central Provinces some action has been taken. In regard to the other provinces, however, we have had so far only a talk of introducing some Bills, ordering some investigations and attempting to do something to alleviate the distress of the peasants. Nothing more has been done and nothing more is likely to be done. In all these provinces we find that the moneylenders and all those who are dependent on them for their influence and for their return to the Legislatures are supremely powerful in the Legislatures and are not likely to allow any legislation, affecting adversely their interests and favouring the interests of the peasants, to be passed or to be approved. Even if some legislation had been passed as is the case in the Central Provinces and the United Provinces, Conciliation Boards had to be established and it is left to the decision of the Provincial Government whether timely action should be taken or not in appointing these Conciliation Boards. In the Central Provinces the Government have complained that they have not got sufficient money to appoint as many Boards as are needed. The peasants have been hard put to it to march on the Government House in order to ask for the constitution of these Conciliation Boards. These Conciliation Boards are not expected to simply cancel all the debts owing to the moneylenders by agriculturists. The Conciliation Boards are only expected to bring the two parties, the debtors and the creditors together and to bring about some sort of compromise between them so that the debtors might not be completely ruined. Even for such a laudable purpose the Government of the Central Provinces will not find money and the Central Provinces Government have had to ask the permission of the Government of India to devote some money out of the grant of one crore placed by the Government of India at the disposal of the Provincial Governments for the development of rural interests and the Central Provinces Government wanted to appoint four more Conciliation Boards out of this grant. At this rate, how many more years will it take in that Province for the peasants to gain even this little help and assistance from that legislation. If that is the state of affairs in a fairly advanced Province like the Central Provinces, and it is not very dissimilar in the United Provinces and the Punjab, then what are we to say of the plight of the peasants in all other provinces especially in Madras. No wonder that the Madras Revenue Board has, for once in all its life and career, committed the sin of expressing certain liberal views in regard to the peasants and their economic needs. The Madras Revenue Board has had the hardihood of imposing an enhancement of land tax upon district after district and even now proposes to impose another enhancement upon the Guntur District and it is carrying on resettlement operations in two other districts. Is this the time, Sir, when definite and strong and even revolutionary measures ought to have been taken by the Government of Madras as well as by other Provincial Governments, to relieve agricultural and economic distress, to think of imposing additional burdens upon the shoulders of peasants and workers? It is not

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only the Madras Government, it is not only the Provincial Governments, but also the Central Government which has been the culprit in this regard. In the last twelve years, even within the last five years how many crores of taxation have been imposed by the Central Government upon the shoulders of the peasants and workers? Their action is quite unconscionable. They have done it and yet the Honourable the Finance Member went the other day to Bombay and wanted to conciliate the monied classes, wanted to conciliate the industrial classes by offering them another hope, another promise, to fulfil which, of course, this Government never finds it very difficult although it would certainly not hesitate to disregard many more important and much needed assurances and pledges so far as the peasants are concerned. The Honourable the Finance Member would go to Bombay and assure them that if there were any surplus budget for the next year, he would take the earliest opportunity of utilising that surplus for the cancellation of the surcharge on income-tax. He would not think of the additional burdens which he himself and his predecessors have imposed upon the shoulders of the peasants, but he would think first of the moneylenders and the capitalists and the big industrialists who have been really growing fat, thanks to the Swadeshi movement, thanks to the Government of India and their anxiety to help only the rich and only the powerful and only the organised; he would remove the tax burden from off their shoulders.

I submit, Sir, that it is high time that this Government should try to do something for the peasants even at this late stage and they should try to incorporate the provisions of the Bill given notice of by my Honourable friend, Mr. Ananthasayanam Ayyangar, and by myself, and see that the poor agriculturists are placed at least on the same footing as the salaried employees are proposed to be placed, as the industrial employees are proposed to be placed and that this obnoxious provision of putting people into jail is completely done away with and removed from the Statute-book.

Sir, it has grieved me much to find that some Honourable Members, even on this side, got up the other day and tried to oppose an absolutely inadequate Bill like this. If only I have been assured here of the presence of a sufficient number of Members on behalf of the peasants and workers and if only I had been sure of a sufficiently large number of people who are prepared to come here and speak in the name of the masses, I certainly would have opposed this inadequate measure. I would throw it away in preference to another Bill which would contain more suitable provisions and which would contain provisions for the abolition of the punishment of debtors by the way of sending people to jail for inability to pay their debts. But most unfortunately in this country, we have been obliged, thanks to the Government and its repressive policy, to go to the masses not with an economic programme, not with an economic mandate, but with a political programme which naturally precludes me from having the authority to say to the Honourable the Home Member that certainly the masses are not prepared to work a Bill like this and that they would like to have some other more suitable Bill. With these words, I support the motion for reference of the Bill to the Select Committee. I hope the Honourable the Home

these two remedial amendments also incorporated into this. If he does so, I can tell him that although he has earned many a bad feeling from this side of the House, for all the things he has most unfortunately been obliged to do here, in his capacity as the Home Member, certainly there would be some peasants here and there who will thank the man who fortunately has had some experience of the troubles of the peasantry in the Punjab and who has come forward with some sort of Bill to ameliorate the condition of the peasants.

The Assembly then adjourned for Lunch till a Quarter Past Two of the Clock.

The Assembly re-assembled after Lunch at a Quarter Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahma) in the Chair.

STATEMENT OF BUSINESS.

The Honourable Sir Nripendra Sircar (Leader of the House) : With your permission, Sir, I desire to make a statement as to the probable course of Government business in the week beginning Monday, the 16th September. You have already directed, Sir, that in that week the Assembly shall sit for Government business on Monday, the 16th, Wednesday, the 18th, and Friday, the 20th.

On Monday, the first business will be a motion for leave to introduce a Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad. Thereafter, business, if any, not concluded today will be taken up in the order in which it stands on today's list. Motions will then be made for taking into consideration and passing the following Bills :

- (1) The Central Provinces Courts (Supplementary) Bill,
- (2) The Provincial Small Cause Courts (Amendment) Bill,
- (3) The Indian Army (Amendment) Bill.
- (4) The Provincial Insolvency (Amendment) Bill,
- (5) The Indian Motor Vehicles (Amendment) Bill,
- (6) The Repealing and Amending Bill, and
- (7) The Factories (Amendment) Bill.

Business not concluded on Monday will be taken on Wednesday in the order in which it stands on Monday's list. On Friday, leave will be asked to introduce a Bill to provide for the creation of a fund for the promotion of the cultivation, manufacture and sale of Indian coffee. Thereafter, there will be a debate on the motion :

“ That the report of the Tribunal appointed to advise on the formulation of a financial settlement between India and Burma in the event of separation be taken into consideration ”

THE CODE OF CIVIL PROCEDURE (AMENDMENT) BILL—*contd.*

AMENDMENT OF SECTION 51.

Mr. N. V. Gadgil (Bombay Central Division : Non-Muhammadan Rural) . Sir, my Honourable friend, Prof. Ranga, wants considerable relief for the agriculturists. I am bringing to the notice of the Honour-

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able the Home Member that in the Bombay Presidency there is a special enactment called the Deccan Agriculturists' Relief Act. Under that Act agriculturists as defined in section 2 are absolutely immune from arrest in execution of a money decree. In the present Bill although it claims to apply to all industrial labourers and agriculturists also, no absolute immunity from arrest has been provided. I am making this suggestion to the Select Committee that is proposed to be constituted under this motion that those provisions which deal with immunity from arrest in the Deccan Agriculturists' Relief Act may be taken into consideration, and that is the only justification for my intervening in this debate. There are other provisions in the said Act which also provide that no immovable property of an agriculturist can be attached or sold in execution of decree unless it has been specifically mortgaged. If the object of this Bill, as I understand it, is to give relief to agriculturists and to industrial labourers, I think those very healthy provisions in that Act should be inserted here as they have been found useful by experience extending over 50 years, for the said Act was passed in 1879. I think that experience can be usefully utilised by the Select Committee and the real object of the Bill can be further improved if those provisions are incorporated in the Bill at the Committee stage.

Mr. N. M. Joshi (Nominated Non-Official) : Sir, as I had already taken part in the discussion that took place in the Assembly during the last Session when the motion for circulation of this Bill was discussed, I shall not detain the House very long. Sir, the Bill before the House is a very modest, I should have said a very halting, Bill. It makes an inquiry obligatory upon the Courts before they permit debtors being detained in jail. It also prohibits imprisonment for failure to repay the debt, in those cases where it is proved that the debtor has no means of repaying his debt. But, Sir, the Bill permits imprisonments for failure to repay a debt where the Court feels that there is a likelihood of the debtor escaping from the jurisdiction of the Court, or where in the opinion of the Court the debtor has committed some fraud in order to avoid repayment of the debt, or in those cases where in the opinion of the Court the debtor has acquired property since he incurred the debt. Sir, I consider this Bill to be halting because I feel that it is wrong that a man should at all be put in jail for failure to repay his debt. It is a wrong thing for a man in the first place to pledge his personal freedom in order to secure a loan and it is also wrong for the State to help in the recovery of a debt by restraining a man's personal freedom. I also feel that when a man is imprisoned for failure to repay a debt we treat a civil wrong as a criminal offence. I hope, Sir, that when the Select Committee considers this Bill, it will widen the scope of the measure proposed by the Government of India. There are very few civilised countries at present in which people are sent to jail for failure to repay their debts; and I should like the Government of India to take up a bolder attitude and get rid of what I may call this barbarous practice.

Going through the opinions circulated among the Members, opinions expressed by Provincial Governments and various organisations, I think there is a good deal of support for the proposals of the Government of India. I was somewhat surprised to hear criticism of this Bill, not

a Member of the Congress Party. My Honourable friend, Mr. Sri Prakasa, who I am sorry is not present here, made some statements which I was unable to follow. He said that he did not believe in any kind of imprisonment for any kind of wrong. But he said : " So long as you imprison people for criminal offences you have no right to remove imprisonment as a punishment for indebtedness." I know that my Honourable friend belongs to a group of people who may be whole-hoggers, but I feel that I cannot accept his logic. I am against all kinds of imprisonment as a penalty, but I shall be quite content, if I cannot secure the wiping out of imprisonment as a penalty, to secure relief from imprisonment even step by step. Then my Honourable friend, Mr. Sri Prakasa, said, that if you do not permit imprisonment for the failure to repay debt, you must at the same time compel banks or moneylenders to give loans where loans are necessary. I am not against compelling banks or moneylenders to give loans where loans are necessary. As a matter of fact, although not by law, by convention a doctor is bound to offer his services to a patient where he finds his services are necessary. So there is absolutely nothing wrong in compelling a man who has got money to give his money to any one who has the greatest need for it. At the same time, if I cannot secure a law compelling a moneylender to lend his money to the man who needs it, I am quite prepared to be content with having a law which will prevent at least imprisonment for the failure to repay a debt. A step is enough for me. The Honourable Member and several people who have expressed their opinions on the Bill have a fear that if imprisonment is not permitted for failure to repay debt, it will be difficult for people who need some loans to secure those loans. I am prepared to admit that there are occasions when loans become quite necessary ; and I am prepared to admit also that if you take away the easy means of recovering debts, it will not be so easy to secure loans. At the same time in India we experience that many people take loans simply because there are moneylenders who are willing to offer loans or there are moneylenders who will make their moneylending business attractive. The Royal Commission which investigated this problem came to the conclusion that if we take the advantages and disadvantages of restricting credit, on the whole there is an advantage in restricting credit to the person who takes loans. I, therefore, feel, that on the whole the poorer classes of the people will not suffer even though their credit is restricted and even though they may sometimes find it difficult to get a loan where a loan is absolutely necessary. I feel that when the Bill is considered by the Select Committee the Select Committee will try to improve it in the direction I have suggested.

Mr. T. Chapman-Mortimer (Bengal : European) : Sir, the intention of this Bill has been so clearly set out in the Statement of Objects and Reasons that I do not propose to detain the House for more than a very few moments to explain why I am supporting the motion of the Honourable the Home Member for reference of this Bill to a Select Committee. Even among the critics of the Bill there is general agreement as to its principles. We are all agreed that it would be a good thing to abolish imprisonment for debt, except in the case of a dishonest debtor : so that there is no real argument about the principle. If the Bill is passed I am quite sure that it will greatly help some day—not at once but one day—the problem of rural indebtedness ; because we all know

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how great a hold the moneylender has over the debtor nowadays when he can always threaten him with imprisonment.

There are just a few small points that I should like to mention. First of all, it is very important that the Bill should contain, within it, a provision that it is for the debtor to show cause why he should not be imprisoned. That was one of the criticisms put up on the original proposals of the Government and we are all very glad to see that it has been incorporated in the Bill. The second point is that a slight amendment will probably be necessary to make it more difficult for a debtor to evade payment. At present, the debtor, if he wants to evade his creditors, may assign his property before he is actually brought into Court at all. We should like to see something in the Bill to make that impossible. Thirdly, there is the question of the kind of man who, though he does not go out of the jurisdiction of the Court, still is evading the Court's officers, so that they cannot serve a summons on him to show cause why he should not be committed to prison. That it does not provide for this is a weakness of the Bill which I have no doubt the Select Committee will very adequately deal with.

Lastly, there is the question of commercial debts. There are many people who support the principle of this Bill who are gravely anxious about it on administrative grounds. They feel that the fact that there is no provision in the present Bill for the retention of the existing powers whereby judgment-debtors in commercial transactions can be committed to prison is a very grave mistake. I am confident the Select Committee will deal very adequately with it.

These, Sir, are the only points that it is necessary to refer to now and I strongly support the motion for reference of this Bill to a Select Committee.

The Honourable Sir Henry Craik (Home Member) : Sir, before you put the motion, may I, with your permission, move an amendment :

“ That in the motion to refer to a Select Committee the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, the name of Mr. J. A. Milligan be substituted for that of Mr. Chapman-Mortimer ”

Mr. President (The Honourable Sir Abdur Rahim) : The question is .

“ That in the motion to refer to a Select Committee the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes, the name of Mr. J. A. Milligan be substituted for that of Mr. T. Chapman-Mortimer.”

The motion was adopted.

The Honourable Sir Henry Craik : Sir, I have nothing more to say before the main motion is put.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill further to amend the Code of Civil Procedure, 1908, for certain purposes (*Amendment of section 51*), be referred to a Select Committee consisting of Mr. Sham Lal, Qazi Muhammad Ahmad Kazmi, Mr. M. Asaf Ali, Mr. M. Ananthasayanam Ayyangar, Mr. Muhammad Azhar Ali, Mr. M. Ghiasuddin, Mr. Lalchand Navalrai, Mr. J. A. Milligan, Captain Rao Bahadur Chaudhri Lal Chand, Mr. A. G. Clow, Mr. J. M. Chatarji and the Mover, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five.”

The motion was adopted.

The Honourable Sir Muhammad Zafrullah Khan (Member for Commerce and Railways) : Sir, I move :

“ That this Assembly recommends to the Governor General in Council to accept the recommendation of the Tariff Board that the import duty on carbon blocks, such as are ordinarily used for the manufacture of carbon brushes for electrical motors and generators, be reduced from 25 per cent. to 15 per cent *ad valorem* ”

Sir, the history of this matter is this. As the House is aware, the Tariff Board has power under Resolution No. 38-T (2) of the 28th March, 1925, to entertain applications directed towards obtaining the removal of tariff inequalities. Tariff inequality, I might be permitted to explain, means even inequality in the tariff duties upon finished articles imported into the country and on raw material out of which such articles may be manufactured in the country which lay a heavier burden upon the Indian manufacturer as compared with the manufactured article imported into the country. That is to say, if it is found that the raw material, which is manufactured in the country into a finished article, has to pay on the whole a heavier duty than the duty imposed upon the finished article, then the Indian manufacturer is entitled to claim that the burden should be equalised either by raising the duty on the finished article or by lowering the duty on the raw materials. Now, Sir, with regard to this particular matter which is now under the consideration of the House, an application was made to the Tariff Board with respect to the duties imposed upon the raw material required for the manufacture of carbon brushes. These brushes are used in electrical generators and motors, and the raw material required for the manufacture of these brushes consists principally of three articles, namely (1) carbon blocks, (2) flexible wire connecting these brushes with the rest of the machinery of the generator or the motor, and (3) patent cement which is used for connecting the wire to the brush. The duty payable on the finished article imported into India is ten per cent, the duty payable on carbon blocks out of which brushes are manufactured is 25 per cent, in each case *ad valorem*. The duty payable on the other two articles is 20 per cent *ad valorem*. It does not necessarily follow that just because these duties vary and are at a higher rate on the raw material than on the finished article that there is an inequality of tariff. The inequality depends upon the proportion of the value of the raw material to that of the finished article. It may be that in certain cases the duty levied on the raw material may be higher than on the finished article so far as the rate is concerned, but when you take the sum total of the duty paid upon the raw materials which go to the manufacture of the finished article that sum total may be less than the duty on the finished article. In such a case, there would be no inequality of tariff. As a matter of fact, if the total of the duty paid on the finished article was found to be higher than the total duty on the raw material, there would be some advantage in that respect to the Indian manufacturer. If the House will bear with me, I might illustrate that with reference to this very article, carbon brushes, because if I give one or two simple illustrations, it would become easier for the House to follow the calculations made by the Tariff Board which are set out at page 3 of their Report. For the sake of illustration purely, take, Sir, the value of ten carbon brushes imported into India from outside, and let us assume that the landed cost of ten carbon brushes, without duty,

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is Rs. 50. Then, as I have explained, the duty being ten per cent. *ad valorem*, the duty payable in respect of these ten carbon brushes would be Rs. 5. Assuming that the value of carbon blocks required for the manufacture of ten carbon brushes were Rs. 12, the duty being 25 per cent. *ad valorem*, it would amount to Rs. three, and supposing that the cost of wire and cement required were Rs. five, the duty on these articles being 20 per cent. it would work out at Re. one. In this illustration, Sir, it would appear that the raw material required for the manufacture of ten carbon brushes would be liable to a total duty of Rs. four, and the finished article would be liable to a total duty of Rs. five. Therefore, there is no disadvantage to the Indian manufacturer. There is an inequality, but it is an inequality in favour of the Indian manufacturer, and no action in that case is necessary. Let me carry the matter a step further. Let us assume that the cost of carbon blocks required for manufacturing ten carbon brushes, were Rs. 16; then the duty at 25 per cent. would be Rs. four, and if the cost of cement and wire were Rs. five, the duty at 20 per cent. would be Re. one, and the total duty payable would be Rs. five on the raw material, and the total duty payable on the finished article being also Rs. five, there would still be no tariff inequality.

Now, Sir, let me go a step further. If we assume that the cost of the carbon blocks required is Rs. 20, the duty payable at the rate of 25 per cent. *ad valorem* would be Rs. five, and the duty on the other two articles, I mean cement and wire, being Re. one, the total duty payable on the raw material would work out at Rs. six, and the duty payable on the finished article being Rs. five in such a case there would at once be apparent a tariff inequality. In order to remove that tariff inequality, it would be necessary that the total duty of Rs. six payable on all these three articles should be reduced to Rs. five, and if on a consideration of the question it became apparent, as it has become apparent in this case for reasons that I shall give later, that it was feasible to reduce the duty only on one of these articles and not on all three of them, the reduction must take place in respect of one of these articles, that is to say, carbon blocks, from Rs. five to Rs. four. That is to say, the incidence of duty instead of being Rs. five on Rs. 20 at the rate of 25 per cent. should be reduced to Rs. four on Rs. 20, that is to say, it should be brought down to 20 per cent. instead of 25 per cent. This last illustration that I have given would show the method of determining whether there is or is not a tariff inequality and also of determining how it is to be adjusted. One more illustration would show how the adjustment would work out with different figures. Assume, that the cost of carbon blocks required for the manufacture of ten carbon brushes is Rs. 24, in that case the duty on the carbon blocks would be Rs. six, the duty on the other two articles would be Re. one, the total would be Rs. seven, and this Rs. seven, in order to remove inequality, would have to be reduced to Rs. five. And assuming that the inequality is to be adjusted out of the duty imposed on carbon blocks alone, the duty of Rs. six on Rs. 24 must be reduced to Rs. four on Rs. 24, that is to say, it would work out at the rate of 16.6 per cent. This is the method which the Board adopted, that is to say, they determined the total duty payable upon the finished article, deducted from it the duty payable upon wire and cement required, and held that the balance of the duty was the duty which should be imposed upon carbon blocks. They discovered that this adjustment necessitated that the duty on carbon

blocks instead of being 25 per cent. *ad valorem* should be reduced to 15.8 per cent. *ad valorem*, and the recommendation, therefore, is that the duty should be reduced to 15 per cent., ignoring .8 per cent. in order to give a tariff equality in this respect. This finding of the Tariff Board was accepted by the Government and Government issued a Resolution No. 38-T.-(10), dated the 23rd March, 1935, saying that this recommendation of the Tariff Board had been accepted by them, that the matter being a small one they intended to take action under section 23 of the Sea-Customs Act instead of by legislation, but that before doing so they would place this matter before this House for their approval. I may explain that the total amount of revenue sacrificed in reducing this duty from 25 per cent. to 15 per cent. would be Rs. 9,600. The figures are, the value of imported carbon blocks, landed cost, *ex-duty* is at present Rs. 96,000, duty at 25 per cent. is Rs. 24,000, the total is Rs. 1,20,000. If the duty is reduced to 15 per cent. the amount of duty would be Rs. 14,400 and the sacrifice of revenue would be Rs. 9,600. As I have submitted to the House, it was open to the Tariff Board to do one of two things. They could either have recommended an increase in the duty on carbon brushes to an extent which would have equalised the incidence of this duty with that imposed upon raw materials, or they could have recommended, as they have recommended, a reduction of the duty on raw materials, and, as I have said, they have recommended a reduction of the duty only in respect of carbon blocks. They have adopted this latter course for the reason which they explain in their Report :

“ The bewildering number and variety of carbon brushes which are imported would have made it impossible for the Board to calculate the effect on other industries of raising the duty on the finished product. An increase of duty on carbon brushes would affect the cost of electrical machinery generally and thus create an undesirable burden on consumers.”

On the other hand, the effect on the revenue, as I have explained, of reducing the duty on carbon blocks, would be very small, almost negligible. Then coming to the raw materials, they have confined their recommendation to carbon blocks alone, that is to say, they have recommended that the inequality should be removed by a reduction in the duty imposed upon carbon blocks alone without touching the flexible wire or patent cement, and for this reason. The customs authorities are satisfied that it would be quite easy for them to distinguish carbon blocks which are required for the manufacture of this kind of carbon brushes from other kinds of carbon blocks, so that the reduction would apply only to the raw material required for the purpose of manufacture of carbon brushes, whereas flexible wire and patent cement are required for a variety of purposes and, therefore, it would be difficult to reduce the duty in respect of these last two articles and confine it only to so much of them as are required for the purpose of manufacture of carbon brushes. That is the brief history of the matter. The House will realise that it is not a matter involving very large figures, but it is a matter in which those engaged in the manufacture of carbon brushes can put forward a legitimate claim that the burden should be equalised. With these observations, Sir, I submit this Resolution for the consideration of the House.

Srijut N. C. Bardaloi (Assam Valley : Non-Muhammadian) : On a point of information, Sir May I ask how many factories there are in India which manufacture carbon brushes and how they will be affected by this reduction in duty ?

The Honourable Sir Muhammad Zafrullah Khan : My information is that there are two fairly substantial companies and a large number of small manufacturers not having large factories, and how they will be affected is that to the extent of Rs. 9,600 a year they will be helped in the manufacture of carbon brushes. That is to say, their costs will be reduced to the extent of a total of Rs. 9,600 per year. It will be some small help to them in order to develop this industry. At present the cost of brushes imported is about Rs. 1,50,000. More or less roughly half are imported and half are manufactured in the country, and if this reduction of duty helps the Indian manufacturer he might possibly be able to capture the remaining half of the market.

Mr. President (The Honourable Sir Abdur Rahim) : Resolution moved :

“ That this Assembly recommends to the Governor General in Council to accept the recommendation of the Tariff Board that the import duty on carbon blocks, such as are ordinarily used for the manufacture of carbon brushes for electrical motors and generators, be reduced from 25 per cent. to 15 per cent *ad valorem*. ”

Mr. B. Das (Orissa Division : Non-Muhammadan) : I rise to support the Resolution, and I am glad that the Honourable the Commerce Member has brought it up this Session. It ought to have been brought up last Session, but I do not know why it was not done so. The electrical manufacturing industry is rapidly growing in India. There are firms in Calcutta who are manufacturing electric fans, electric motors and electric dynamos and this little relief, however small it might be, will give them a chance to compete with the imported machinery. For a long time in India we cannot manufacture carbon brushes, although there is the necessary raw material—graphite to be found in India. It has only reached the stage of pencil manufacture in Madras and Calcutta and it has not gone to other articles that may be manufactured out of it. Therefore, the electrical manufacturing firms that are engaged in the making of dynamos, motors and fans will have long to depend on imported parts such as insulating materials, stampings, copper wires and so on and this relief, however slight it may be, is very welcome to the industry and, therefore, I support it.

Mr. President (The Honourable Sir Abdur Rahim) : The question is that the following Resolution be adopted :

“ That this Assembly recommends to the Governor General in Council to accept the recommendation of the Tariff Board that the import duty on carbon blocks, such as are ordinarily used for the manufacture of carbon brushes for electrical motors and generators, be reduced from 25 per cent. to 15 per cent. *ad valorem*. ”

The motion was adopted.

THE PAYMENT OF WAGES BILL.

The Honourable Mr. D. G. Mitchell (Member for Industries and Labour) : Sir, I move :

“ That the Bill to regulate the payment of wages to certain classes of persons employed in industry, as reported by the Select Committee, be taken into consideration. ”

Sir, we have listened during the past week to much passionate eloquence from certain quarters of the House on the beauty of unrestricted freedom and we have listened to many earnest arguments from other parts

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of the House on the ugliness of unrestrained licence. I now proffer this Bill as what I trust will be a pleasant and harmonious interlude in which all parts of the House, I hope, will co-operate in the humane task of securing to the humble workman the prompt and full payment of the wages he has earned.

If I may be permitted, I would recall to the House very briefly the history of this measure. In 1933 a Payment of Wages Bill was introduced and by the direction of the House was circulated to elicit public opinion. The criticisms received were very voluminous and many of them were very cogent. The Bill was redrafted very considerably and was reintroduced in February of 1935. In his speech on the motion to refer the Bill to a Select Committee, Sir Frank Noyce indicated the chief points on which advance had been made in the new Bill. The Bill was criticised and was welcomed by the House generally speaking and was then referred to the Select Committee. As a result of the discussions in that body, further very considerable advances have been made and I cannot do better than follow Sir Frank Noyce's example and indicate the further advances made. In order to do so, I would divide the Bill into four parts, one part relating to the scope of the Bill, that is to the industrial undertakings which it covers, the second part covering those provisions intended to secure the prompt payment of wages, the third part covering those provisions of the Bill intended to secure that the wages shall be paid in full and the fourth part the administrative and other ancillary provisions intended to carry the Act into effect. I will deal with these in turn.

As regards the scope of the Bill, the Bill, as introduced into this House, applied *in toto* to all workers in factories, including 3 P.M. railway factories. The Bill, excluding those provisions relating to the prompt payment of wages, applied to workers on railways other than those in railway factories. Local Governments were given power to extend the provisions of the Bill, or such of them as they chose to select, with such modifications and relaxations as they thought expedient, to certain other industrial undertakings, namely, mines, quarries, plantations and workshops. In the debate on the second reading, the restricted scope of the Bill was severely criticised by several Honourable Members including my indomitable friends, Mr. Joshi, Prof. Ranga and Mr. Giri. The criticisms were very carefully considered by the Select Committee at considerable length and the result is that the Bill which is now before the House applies *in toto* to all factories and all railways. The Local Government has been given the power to extend the provisions of the Bill without relaxation or adaptation not only to mines, quarries, plantations and workshops but also to tramways, docks and oilfields. I think my Honourable friends who are keenly interested in this Bill will admit that this is a very considerable advance.

As regards the prompt payment of wages, the Bill as introduced required that the wages should be paid on the seventh day after the expiry of the wage period or, if the seventh day should be a holiday, on the next working day after the holiday; and the Local Governments were given power to relax these provisions when they were satisfied that they were impracticable in regard to any particular industry. This provision, as I have already mentioned, did not apply to the railways. Again these provisions were attacked in this House by several Members, particularly in regard to the exemption of railways, and they were also attacked in con-

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siderable detail by my Honourable friend, Mr. Joshi. Again they were discussed at length in the Select Committee and the Bill now applies to railways and such power of relaxation as is permitted is given only to the Governor General in Council. There is no general power given to Local Governments to relax in regard to the other industries covered by the Bill ; but in one substantive matter relaxation has been made in the Bill itself, to the extent that factories and undertakings which employ more than a thousand hands are allowed to take ten days in making up their pay sheets and paying their employees.

Now, as regards the full payment of wages, there have been several important advances. I will deal with these in two parts, one part relating to deductions generally and the other part relating to the special but very important case of fines. As regards the deductions under the Bill, wages were defined as everything due under the contract. This would have excluded bonuses and other payments for good work, regular attendance and so forth, which it would have left to a considerable extent to the discretion of the employer. This again was objected to strongly by my Honourable friend to my right, Mr. Joshi, and others, and was fully considered by the Select Committee. The very important decision was taken to end the system of bonuses,—to abolish bonuses and all other forms of contingent payment as a regular part of periodical wages. Wages are now defined so as to include all bonuses and other contingent payments contemplated in the terms of the contract. The scheme, therefore, of the Bill, is now fairly complete. The workman will draw his full wages for all work he has performed, and the deductions will be confined to a very narrow list—that list including only items which are obviously either equitable in themselves or are for the benefit of the workman. There have been various other amendments in favour of the employee which I need not discuss at any length. I would only mention that now no deduction is allowed for travelling expenses incurred at the beginning of the workman's employment. Wages must now be paid in cash, and no deduction may be made on account of payment in kind. Again, I think my Honourable friends will admit that this has been a very substantial advance indeed.

Fines require special mention. Under the Bill as introduced, the employers could decide themselves upon those acts which they would penalize by fines. The fine could be imposed without control, subject only to the limit of one anna per rupee in the calendar month. Under the Bill as amended, the employer's list of penal acts must be approved by the Local Government and no fine can now be imposed without giving the workman an opportunity of showing cause why he should not be fined ; and the limit of the fine is now reduced to half an anna per rupee in the wage period, which means that if the wage period is less than one month, the total maximum fine is reduced thereby. In the Bill as introduced, and in the Bill as now reported, all fines must be credited to a fund which must be administered on behalf of the employees. I think Honourable Members will agree with me that the net result of these provisions will be to reduce this practice of imposing fines to almost negligible limits.

On the administrative side of the Bill, the Select Committee have introduced several important changes, all tending towards the tightening up of the administration of the Bill. I will mention only a few. Under

the Bill as introduced, the Local Government could appoint anyone as the authority to which the workman could apply to secure the proper payment of his wages. Under the Bill as amended, this authority must be either the Commissioner for Workmen's Compensation or some person with judicial experience. Again, under the Bill as introduced, appeals from these authorities could lie to any person appointed by the Local Government. Under the Bill as now reported, appeals shall lie to the District Court or, in the presidency towns, to the Small Cause Court. One further provision is that the Bill, following the example of the Factories Act, now requires that abstracts of the Act and of the rules made thereunder shall be posted up in factories.

That, Sir, is a short account of the Bill as it has emerged from the Select Committee. It is a most important Bill affecting the daily livelihood of millions of people in India, and I commend it most strongly to the support of the House. I do so, however, with certain misgivings and regrets. The Bill will unquestionably do away with certain traditional relationships between employers and employed which have existed in India for a very long time. I refer, as examples, to the systems of bonuses for good work, of the supply of cheap grain, of the supply of cheap cloth and other products of the industrial undertaking. In the hands of a humane employer, there can be no question that these old systems can be of very great benefit to the employee; but in the hands of the less desirable type of employer—of whom I regret many exist,—these systems can undoubtedly be made a means of exploiting the workman. The policy of the Bill is to remove the possible contingent advantages of these old traditional systems and to substitute for them the certain benefits of prompt and full payment. It is better that the workman should receive his daily bread regularly than that he should have an occasional feast, perhaps after a period of hunger.

I have still another misgiving. The Bill marks a very great advance and will unquestionably force many employers, of many vast undertakings, to re-adjust their methods. It will certainly cause them, to begin with, very great inconvenience. I dare say there may be a few Members present who would regard that as of very little account. Nevertheless, I would remind them that a great industrial undertaking must be regarded as a single unit: and that if the management is put to a very great inconvenience, a certain amount of inconvenience to the employees is almost certain to result. I would appeal, therefore, to the more advanced elements in this House to accept this Bill as sufficient for the present. Let us see how it works, and then let us make such further advance as may be indicated. In particular, I would ask my Honourable friends opposite and my Honourable friend to my right not to endeavour to apply this Bill from the beginning and in its full force to undertakings other than those which have already been adequately surveyed. The Bill allows its provisions to be extended to certain other industrial undertakings, and the idea behind that is to enable the Local Governments themselves, before applying the Bill to those undertakings, to survey the conditions and see if it is possible, practicable and ultimately in the interest of the workman himself that the provisions should be applied. I would appeal to my Honourable friends not to force this experiment too far lest it should defeat its own object. (Loud Applause.) Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill to regulate the payment of wages to certain classes of persons employed in industry, as reported by the Select Committee, be taken into consideration.”

In addition to the amendments which are already on the agenda paper, an amendment has just been handed to the Chair by Mr. James and Mr. T. Chapman-Mortimer, to the effect that the Bill be re-circulated for the purpose of obtaining further opinion thereon. The Chair would like to know why no notice of this amendment was given earlier, and if there is any objection to this motion being moved.

Mr. F. E. James (Madras : European) : Mr. President, I should like to explain to you and to take the House into my confidence as to why we were not able to give notice of this amendment earlier. The report of the Select Committee was only laid on the table last Monday week. The moment we received copies of the report we sent it to our constituents who are scattered throughout India down to the south and across to Burma. It is only during the last 24 hours that we have received overwhelming expressions of opinion from those of our constituents who are now being brought within the scope of the Bill as a result of the changes made by the Select Committee. They would like to have further opportunity of being consulted as to the present position and, therefore, I do ask that under the circumstances the House would not object to this motion and that you, Sir, will allow this motion to be moved in accordance with the Standing Orders and powers which lie in your hands.

Prof. N. G. Ranga (Guntur *cum* Nellore : Non-Muhammadan Rural) : Sir, I object to the motion that this Bill be re-circulated again because it is more than six years since the Labour Commission made this particular recommendation that legislation on these lines is needed.

The Honourable Mr. D. G. Witchell : In view of the explanation given by Mr. James, I do not wish to object to the moving of this amendment, but I must inform him and the House that I shall oppose it.

Mr. President (The Honourable Sir Abdur Rahim) : The Chair is not quite clear whether the provisions of Standing Order 46 requiring two clear days' notice apply to a motion of this character, and the Chair is informed that there is no ruling on this point. However, the Chair does not wish to decide that question now. The Chair would assume that the provision requiring notice of two clear days does apply to a motion of this character, but, under the circumstances mentioned by Mr. James, and having regard to the fact that the Honourable Member in charge of the Bill raises no objection to the motion being moved, the Chair suspends the application of the Standing Order 46 assuming that it does apply to this motion.

Mr. F. E. James : Sir, I am deeply grateful to you for using your powers under the Standing Orders to permit me to move my motion and I would like to say immediately that the purpose of my motion is not the usual dilatory purpose. The Honourable Member in charge of the Bill has already given the history of this measure. The Bill was originally circulated in 1933 and a revised Bill was placed before this House in 1935 and referred to a Select Committee. That

THE PAYMENT OF WAGES BILL.

revised Bill was not circulated although it differed in a substantial measure from the original Bill which was circulated in 1933. Then, Sir, the Select Committee met and they signed their report on the 1st of June. Had that report been made public on the 1st of June, I should not have moved this motion. But the report of a Select Committee cannot be made public until it is laid upon the table of the House and that report was not laid on the table of the House until last Monday week, when we, for the first time, received a copy of that report. We found then that the report of the Select Committee and the Bill, as it emerged from the Select Committee, made most extensive and material changes in the Bill which had been referred to that Committee by this House during the Budget Session. I will just mention one or two main changes to illustrate what I am now claiming. In the first place, the Bill, as it emerges from the Select Committee, is now extended to a class of industrial establishments which was never originally contemplated when this Bill was first referred to the Select Committee. The report of the Select Committee, indeed, recommends the wholesale extension of the provisions of this Bill to large industrial establishments which never expected to be included within the scope of this Bill and which, therefore, were not consulted. I have already explained, that owing to the fact that the report of the Select Committee was in our hands only about ten days ago, it has been impossible for large scale industries with very important interests both in British India excluding Burma and in Burma which is included within the scope of the Bill, to send us their detailed views. We have only received certain telegraphic communications but we still await their views in detail. That is the first point. Then the second major change is that the wage-limit has been raised from Rs. 100 to Rs. 200 as will be seen from sub-clause (6) of clause 1. I am quite sure the House will readily recognise that whatever may have been the justification for this change—and I am not expressing any opinion on that now—the extension of this Bill from a limit of Rs. 100 per month to Rs. 200 per month makes a very substantial alteration in its scope. Then, Sir, the third major change refers to the matter of deductions. The title of the Bill suggests that it will confine itself to providing for the regular payment of wages due and to protecting the wage-earner from unfair deductions, and irregularities in payment. The Bill, however, goes further. The Bill, as it emerges from the Select Committee, certainly goes further than what was originally contemplated and it prohibits either directly or by implication certain practices with which there is nothing wrong inherently and whose prohibition ought to be the subject of special legislation. I would refer more particularly to sub-clause (1) of clause 7 and sub-clause (1) of clause 2 dealing with this matter of deductions. Then, Sir, there is a fourth major alteration that has been made to which I should like to refer for a moment. In fact, I might say that so many alterations have been made in the Bill by the Select Committee that it is very difficult to be precisely sure as to the interpretation of some of the new amended sections. But, like every other Act, of course, this Bill will, if passed, be interpreted without any reference to the intentions of its framers or to any assurances which may be given on the floor of this House as to the probable effects of any particular amendment. Local Governments, Inspectors appointed under clause 14 whoever they may be, authorities

[Mr. F. E. James.]

appointed under clause 15, appellate authorities specified under clause 17, will all interpret the provisions of this measure without any reference to what was said before. We, therefore, feel that it is most essential that the provisions in certain clauses of this Bill should be so framed as to make the intentions of the Government of India and the Assembly absolutely clear. They are certainly not absolutely clear in quite a number of clauses at the moment. We would also suggest that it is most important that certain clauses of the Bill should be so safeguarded as to prevent such injustice as might easily arise by the present interpretation which applies to some of these clauses, both to the employers and to the employees.

Now, Sir, I have been perfectly frank to the House. We are not opposing this Bill. We agree with its fundamental principles. We support its underlying intention. But our difficulty is, that owing to the shortness of the time, we are not in a position to present adequately the views of our constituents, as we are face to face with a Bill which in many essentials is a completely different Bill from the Bill which went to the Select Committee.

I wish to emphasize once more that we do not wish to suggest that this is a dilatory motion and if there is any other way which my Honourable friend, the Member in charge of the Bill, would suggest, whereby we, at any rate and others who are interested in the Bill, might be given breathing space during which we can secure the views in detail of our constituents, constituents who did not anticipate being affected but who are now affected by the revised Bill, we should be quite prepared to accept such a suggestion. I, therefore, hope that the Government of India will not merely oppose this motion of mine on the ground that it is a dilatory motion because that is not our intention; I hope they will perhaps suggest some other method whereby the real object of my motion can be achieved without undue loss of time. Sir, I move :

“ That the Bill be re-circulated for the purpose of obtaining further opinion thereon.”

Mr. President (The Honourable Sir Abdur Rahim) : Amendment moved :

“ That the Bill be re-circulated for the purpose of obtaining further opinion thereon.”

Mr. N. M. Joshi (Nominated Non-Official) : Sir, I had no intention of taking part in the discussion on the motion which was originally made by the Honourable Member in charge of the Department of Industries and Labour. I had spoken more than once regarding the general provisions of this Bill. I shall, therefore, as I am speaking now, confine myself mostly to the amendment proposed by my Honourable friend, Mr. James. Sir, the Mover of this amendment assures us that his amendment is not a dilatory one, at least his intention is not to delay the passing of this measure. But, Sir, the Honourable the Mover of this amendment will agree with me that if his amendment is carried, the passing of this measure will be delayed. In a matter of this kind, the intention is not of much consequence when the result is the same. I feel that the argument used by my Honourable friend, Mr. James, in support of his amendment, was that the Select Committee has extended the scope of this

measure to certain other industries. The first item of extension which he mentioned was that the Bill, introduced in the last Session at Delhi, did not contain provisions relating to the application of this Bill to some industries. He said that those industries were of great importance. I do not wish to belittle the importance of the new industries which are included in this Bill. But I am quite sure my Honourable friend, Mr. James, will agree with me that if you consider the number of men employed in the industries to which the Bill of 1935 was intended to be applied and the number of people employed in the new industries to which the Bill now is extended, I am sure he will agree with me that the number of people is extremely small compared with the number of people to which the original Bill was intended to apply.

Mr. F. E. James : Question. 40,000 in oil alone.

Mr. N. M. Joshi : My Honourable friend, Mr. James, was not quite fair when he stated that these industries had absolutely no idea that the Bill would ever be applied to these industries. Mr James knows very well that the Government of India had introduced a Bill for this purpose in 1933. That Bill gave power to the Local Governments to apply to any industrial undertaking the provisions of that Bill. Sir, I shall read that section :

“ The Local Government in any province may, after giving three months' notice of its intention of so doing by notification in the local official Gazette, apply the provisions of the Act or any of them subject to such relaxations as may be specified in the notification of the payment of wages to any class of persons employed in the industrial establishment.”

These industrial establishments had notice in the year 1933 and that Bill was circulated and on that Bill opinions were invited and expressed. I do not, therefore, feel, why my Honourable friend, Mr James, should take any objection on the ground that these industries had had no notice at all. As a matter of fact, every industrial undertaking had notice. If these industrial undertakings were really interested in this measure it was their duty to study the measure and express their opinions on its provisions. I, therefore, feel, that the ground which my Honourable friend, Mr. James, has placed before the House, namely, some industries which are now included in this Bill had no notice, does not hold much water. Then, my Honourable friend mentioned one or two other items which have been included in the Bill by the Select Committee. He mentioned that the original Bill applied to persons whose wages or salaries did not exceed Rs. 100 and the Select Committee now proposes that the Bill should apply to persons whose wages or salaries do not exceed Rs. 200 a month. May I ask my Honourable friend, Mr James, how many persons there will be in the industries to which the Bill has to be applied whose wages vary between Rs. 100 and Rs. 200 a month ? The number of people who receive more than Rs. 100 in all these industries is extremely small compared with the total number of people engaged in these industries. It is, therefore, wrong on his part to say that they had no notice that the Bill will be applied to persons whose wages are more than Rs. 100 and less than Rs. 200 a month.

Then, Sir, he mentioned several other amendments made by the Select Committee. I feel that the amendments made by the Select Committee do not go beyond the scope of this Bill. The very fact that the Honourable the Law Member was the Chairman of the Select Committee

[Mr. N. M. Joshi.]

should be a guarantee to my Honourable friend, Mr. James, that he would not have allowed amendments to be made which were outside the scope of this Bill. Sir, I am against his motion because I feel that this measure should become a law without any delay. If the House knows the full history of this measure the House will entirely agree with me. So far as I am personally concerned, Sir, I became interested in this subject many years ago while I was doing some social work in Bombay. It came to my notice that a great evil prevailed in the factories in Bombay as regards fining the workers who were engaged in the textile industry. As I believe in constitutional methods, when that evil came to my attention I wrote a letter to the Bombay Government asking them only to inquire whether such an evil existed, and, if it did exist, to find out the extent of that evil. Do you know what the reply of the Bombay Government was? The Bombay Government wrote to me a letter, that in their opinion the evil did not exist and they were not prepared to make any investigation or any inquiry unless the demand for that investigation and inquiry was a spontaneous one. I thought, Sir, the Bombay Government were waiting for a strike and a spontaneous strike to persuade them to make an inquiry into this evil. Then, Sir, I asked some questions in the Legislative Assembly as to whether the Government of India would inquire. It took me some time to persuade the Government of India to make an inquiry into this subject. Then the Government of India became willing to make an inquiry and issued circulars to the Local Governments asking for information and for proposals. I do not know exactly in what year the Government of India got the replies from the Local Governments, perhaps it was in 1926 or 1927. Then the Government of India, as we all know, takes time to consider proposals of this kind. They sat over the opinions of the Local Governments for a year. Then when we thought that the Government of India would frame proposals on the information received from the Local Governments and I inquired whether any legislation would be introduced on this subject, I was told that a Royal Commission was appointed to investigate labour conditions in India and, therefore, consideration of this subject must wait till the Royal Commission reported on it. Well, Sir, the Royal Commission reported on it in the year 1930 and today it is the latter part of 1935.

The Honourable Mr. D. G. Mitchell : What happened in between ?

Mr N. M. Joshi : If we now insist upon the Bill being passed without delay, are we showing any impatience ? I hope the House will not consider that any delay can be tolerated in the passing of this measure. We are patient, but there should be and there is some limit to our patience. I, therefore, hope that the Assembly will not approve of the amendment proposed by my Honourable friend, Mr. James.

As regards the motion made by my Honourable friend, the Member in charge of the Department of Industries and Labour, I do not wish to speak at any great length. This Bill was considered in detail by the Select Committee and I am prepared to admit, that on the whole, although the Select Committee have made some very reactionary amendments, they have improved the Bill. I do not wish to go into the details of the proposals which we propose to make when the Bill will be considered in detail, but I hope that the consideration of this Bill will not be delayed.

Mr. V. V. Giri (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, on this side of the House we associate ourselves with the points raised by Mr. Joshi in opposing the motion of Mr. James. I am really surprised that my Honourable friend, Mr. James, should have brought forward this motion. It has been pointed out that for the first time in the year 1933 a Bill of this character was brought before the Assembly. Before that the Royal Commission on Labour had gone into the details of this matter, and they stated in their recommendations clearly on page 241 as follows :

“ In our opinion, the law should be applicable to factories, mines, railways and plantations, and it should provide for possible extension to other branches of industry.”

I am sure, my Honourable friend, Mr. James, must have had enough notice that it was the intention of the Royal Commission on Labour to extend the scope of this Bill. Agam, Sir, in February, 1935, when the Bill was brought before this House for reference to Select Committee, some of the Members who spoke on that occasion referred to this question, namely, that the Select Committee should consider the question of extension of the scope of the Bill to plantations and other things referred to by the Royal Commission. And, therefore, I cannot understand why Mr. James should have stated that they had no notice that an expression of view would be made in the Select Committee for possible extension of the Bill to industries other than railways and factories. Moreover, Sir, my Honourable friend, Mr. James, and his friends had time enough to send amendments to the Bill which is now before the House. I, therefore, feel that it is very unreasonable and unjust on the part of Mr. James to have brought forward this motion which is certainly a dilatory motion. So, on this side of the House, we oppose the motion made by my Honourable friend, Mr. James.

The Honourable Mr. D. G. Mitchell : Sir, I should like to make just a few remarks on the speech by my most pertinacious friend, Mr. Joshi. He referred to what he regarded as the misdeeds or crimes of omission of the Government of Bombay in some remote year. I can assure Mr. Joshi and the House that if the Government of Bombay were guilty then of any omission then, they have since repented ; out of all Governments they have given the Government of India most assistance in the preparation of this Bill. They have carried out certain special inquiries which have been most valuable, and they lent to us the services of Mr. Mehrban, regarding whom the Select Committee itself in its opening paragraph says :

“ We desire to acknowledge the valuable assistance given to us by Mr. Mehrban who attended our sessions and placed at our disposal his intimate knowledge on the subject of the payment of wages.”

Mr. N. M. Joshi : Sir, may I interrupt the Honourable Member just for a minute ? Although I made certain remarks about the Bombay Government's unwillingness to make an inquiry when I first asked them to do so, I am prepared to agree with the Honourable Member that on the whole the Bombay Government have assisted the improvement of the Bill much more than any other Government have done.

Sir Cowasji Jehangir (Bombay City : Non-Muhammadan Urban) : Is there any Government in the whole of India which has done more for labour than the Bombay Government ?

The Honourable Mr. D. G. Mitchell : Again, he made some animadversions on the space of time which has passed between the publication of the Report of the Royal Commission and the introduction of this Bill. Mr. Joshi himself knows perfectly well that that is an unfair remark. We quite admit that it is four or five years since the Royal Commission reported, but I would ask Mr. Joshi if he can point to any country in the world which in that space of time has put so much labour legislation on the Statute-book.

I come now to the amendment moved by my friend, Mr. James. I do not wish to agree entirely with his criticisms of the Bill, nor do I wish to controvert them. I do not subscribe either to Mr. Joshi's criticism or Mr. James' criticism. But I regret that I am not in a position to accept Mr. James' amendment. To re-circulate this Bill now would mean reference of the Bill again to a Select Committee. We could not give Local Governments and industrial concerns less than four months to consider these provisions, and I doubt very much if we can have a Select Committee meeting before next summer : it would mean a delay of a whole year. I do not wish to enter into the merits of Mr. James' case. I cannot controvert him entirely, as I have already admitted in my speech before he raised this question that the Bill had emerged from the Select Committee with very substantial advances in favour of labour. I should like to meet Mr. James and at the same time to meet Mr. Joshi as far as possible. There is a very large number of amendments tabled, which I would like to discuss with the Members most concerned tomorrow. If we go through these amendments one by one, I think we may save the time of the House, perhaps by a day or two. At the same time we might consider this question raised by Mr. James. It might be possible to pass the motion for consideration of this Bill today and then to defer further proceedings until the next Session. The Bill could then be taken up at the beginning of the Budget Session, and passed with the minimum of delay. But I regret that I am unable to agree to the motion for re-circulation.

Mr. F. E. James : Sir, I would ask your permission and the permission of the House to withdraw my amendment in view of the statement of the Honourable the Member in charge of the Bill.

Mr. President (The Honourable Sir Abdur Rahim) : Has the Honourable Member the leave of the House to withdraw his motion ?

Honourable Members : Yes.

The amendment was, by leave of the Assembly, withdrawn.

Mr. President (The Honourable Sir Abdur Rahim) : The question is -

"That the Bill to regulate the payment of wages to certain classes of persons employed in industry, as reported by the Select Committee, be taken into consideration."

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : Does the House agree that the consideration of the amendments, of which notice has been given, be postponed until next Monday ?

Honourable Members : Yes.

Mr. President (The Honourable Sir Abdur Rahim) : Amendment to Standing Orders.

Mr. C. N. Muthuranga Mudaliar (South Arcot *cum* Chingleput : Non-Muhammadan Rural) . Sir, I move for.....

Mr. President (The Honourable Sir Abdur Rahim) : No speech is allowed.

Mr. C. N. Muthuranga Mudaliar : Sir, I move for leave to amend the Standing Orders of the Legislative Assembly in the following manner :

“ That in Standing Order 17, after the words ‘ Questions, which have not been disallowed, shall be entered ’ the words ‘ together with their answers ’ be inserted.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to amend the Standing Orders of the Legislative Assembly in the following manner :

“ That in Standing Order 17, after the words ‘ Questions, which have not been disallowed, shall be entered ’ the words ‘ together with their answers ’ be inserted.”

The motion was adopted.

Mr. C. N. Muthuranga Mudaliar : Sir, I move that the proposed amendment be referred to a Select Committee

Mr. President (The Honourable Sir Abdur Rahim) . The question is :

“ That the proposed amendment be referred to a Select Committee.”

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I don't want to make a speech, but I only want to say that I agree to the Select Committee . But I want to make it clear that reference to the Select Committee does not mean acceptance of the principle.

Mr. President (The Honourable Sir Abdur Rahim) . The question is :

“ That the proposed amendment be referred to a Select Committee.”

The motion was adopted.

Dr G. V. Deshmukh (Bombay City . Non-Muhammadan Urban) . Sir, I beg to move for leave to amend the Standing Orders of the Legislative Assembly in the following manner .

“ That to sub-order (2) of Standing Order 7A, the following proviso be added, namely :

‘ Provided however, that no Bill which has received the previous sanction of the Governor General in Council and has obtained a place in the ballot in a particular Session, is shut out from being introduced during that particular Session.’”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That leave be granted to amend the Standing Orders of the Legislative Assembly in the following manner :

‘ That to sub-order (2) of Standing Order 7A, the following proviso be added, namely :

‘ Provided, however, that no Bill which has received the previous sanction of the Governor General in Council and has obtained a place in the ballot in a particular Session, is shut out from being introduced during that particular Session.’”

The motion was adopted

Dr. G. V. Deshmukh : Sir, I beg to move :

“ That the proposed amendment be referred to a Select Committee.”

Mr. President (The Honourable Sir Abdur Rahim): The question is :

“ That the proposed amendment be referred to a Select Committee.”

The motion was adopted.

Mr. President (The Honourable Sir Abdur Rahim) : The next motion is the one standing in the name of Mr. Ghansham Singh Gupta. It is really to the same effect as the motion moved by Mr. Muthuranga Mudaliar. It is, therefore, barred.

The Chair suggests to the House that both these motions, the one moved by Mr. Muthuranga Mudaliar and the other moved by Dr. Deshmukh, be referred to one Select Committee. The Chair supposes that is agreeable to the House.

Several Honourable Members : Yes.

ELECTION OF MEMBERS TO THE SELECT COMMITTEE ON AMENDMENTS TO STANDING ORDERS.

Mr. President (The Honourable Sir Abdur Rahim) : I have to
 4 P.M. announce that nominations for the Select Committee on the amendments to Standing Orders of the Legislative Assembly will be received upto 12 Noon on Monday, the 16th September, and the election, if necessary, will, as usual, be held in the Secretary's Room in the Assembly Building on Thursday, the 19th September, 1935, between the hours of 10-30 A.M. and 1 P.M. Under Standing Order 56 (2) of the Legislative Assembly Standing Orders, the Committee will be composed of the President, the Deputy President and seven Members elected by the Assembly in accordance with the principle of proportional representation by means of the single transferable vote.

Mr. President (The Honourable Sir Abdur Rahim) : The Assembly will now adjourn till next Monday at 2-30 P.M. As His Excellency will address the Assembly in the morning, time has to be allowed to make the necessary arrangements. The Chair would suggest to the House that questions may be dispensed with on that day, otherwise sufficient time will not be left for the ordinary business of the day. Is that agreeable to the House ?

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : No, Sir. Questions are important. We have heaps of questions, and we want to get through them this Session.

Mr. President (The Honourable Sir Abdur Rahim) : There will be nothing else done.

Mr. S. Satyamurti : Only one hour, Sir.

Mr. President (The Honourable Sir Abdur Rahim) : Well, then, questions will go on as usual.

The Assembly then adjourned till Half Past Two of the Clock on Monday, the 16th September, 1935.

LEGISLATIVE ASSEMBLY.

Monday, 16th September, 1935.

SPEECH DELIVERED TO THE COUNCIL OF STATE AND THE LEGISLATIVE ASSEMBLY BY HIS EXCELLENCY THE VICEROY.

His Excellency the Viceroy having arrived in procession with the Presidents of the Council of State and the Legislative Assembly took his seat on the Dais at Eleven of the Clock.

His Excellency the Viceroy : Gentlemen, once again it is my privilege as Viceroy to address Honourable Members of both Houses and to give a brief review of the general conditions affecting India, but before doing so, I wish to make a brief reference of a personal character.

Before I shall have an opportunity of addressing you again, my Government will have said farewell to a valued colleague, and the Upper House to one of its most distinguished Members. Field-Marshal Sir Philip Chetwode's term of office as Commander-in-Chief has been one of the most eventful within living memory for the Army in India, and I cannot let this opportunity pass without paying my heartfelt tribute to the value of the outstanding services that he has rendered to India.

In addressing the Members of the Legislative Assembly in January last I expressed the hope that local Governments and local committees would receive the support of all communities in celebrating the 25th anniversary of the accession of His Majesty the King-Emperor to the Throne, and that the princes and people of India would once more give proof of their devotion to the Crown and of their sympathy for those in need by responding to my appeal on behalf of a fund to commemorate the occasion in an appropriate manner. I am glad to be able today to acknowledge how magnificently my expectations have been fulfilled. From every part of India my Government received reports of the genuine and spontaneous exhibitions of enthusiasm which accompanied the Jubilee celebrations not only in the larger towns but also in small and remote villages. The efforts of a few misguided people here and there to mar the occasion only served to show how few such persons were, and how out of sympathy with the general spirit of the people of India, who everywhere were eager to show their loyalty and devotion to the Crown. The response to my appeal has been equally gratifying and it is evidence of the generosity of the princes and people of India that the total collections for the Silver Jubilee fund amount to the splendid sum of over Rs. 125 lakhs. This result could not have been achieved without good organisation and much well-directed effort, and to all those, throughout the length and breadth of the land, who have contributed in any way to the success of the Fund I accord my grateful thanks. It will, I am certain, be a cause of great satisfaction to His Majesty the King-Emperor to know that his Silver Jubilee will for all time be associated in India with so great an increase in the resources of institutions which bring relief to those in sickness and distress.

[H. E. the Viceroy.]

I now turn to Foreign Affairs. As regards Nepal, I would only say that 1934 added still another year to the long tale of unbroken friendship and mutual confidence which are traditional between India and this her only Asiatic neighbour within the Himalayan wall.

In another frontier field there are interesting developments to record. As the result of an agreement concluded with His Highness the Maharaja of Kashmir in March last, the Civil and Military Administration of the trans-Indus portion of the Gilgit Wazarat was taken over by the Government of India on the 1st of last month. The change, without diminishing the suzerain rights of His Highness, places undivided local control in the hands of the Government of India on an important sector of the Indian frontier. I am happy to be in a position to assure the House that the reorganisation has been completed without additional expenditure to Indian revenues.

Beyond the Gilgit frontier stands Sinkiang or Chinese Turkestan, the westernmost province of China. In this Province the situation continues to be obscure and uncertain. My Government learnt with concern of the distress caused by the recent civil turmoil in this friendly and important Province and the ensuing dislocation of the ancient commerce between India and China by the Karakoram passes. The Indian traders in Sinkiang have unfortunately suffered much hardship and loss both to life and property, but there are signs that the efforts of His Majesty's Consulate at Kashgar in their behalf are bearing fruit. Indeed one of the most affecting tributes of loyalty to the King-Emperor came from these very traders, who despite all hardships and losses in this distant land combined to contribute a sum of several thousand rupees to His Majesty's Silver Jubilee fund. Our sympathies are with the local Sinkiang authorities and with the Central Chinese Government in their task of maintaining order and control, a matter of no little neighbourly concern to India.

My Government have under active consideration the question of the improvement of trade facilities between India and Afghanistan in the light of the report of the Trade Delegation which visited that country from India in the spring of last year. In particular it is our desire, if possible, to devise means of lessening the difficulties to Indian trade created by the recent adoption by the Afghan Government of a State trade monopoly system.

His Majesty's Government and the Government of India have special relations of long standing with the independent rulers of the States on the Arab Coast of the Persian Gulf and have accepted special responsibilities towards them. In order to strengthen these ties and in view of the fact that the Arab Coast has acquired a new and increasing importance as a result of the establishment of the Imperial Airways route on that coast and of recent commercial developments, His Majesty's Government, with the concurrence of His Excellency the Shaikh of Bahrain, have now transferred to Bahrain their naval stations hitherto existing at Henjam and Basidu. His Highness the Sultan of Muscat, Their Excellencies the Shaikhs of Kuwait and Bahrain, and certain of the Trucial Coast Shaikhs have concluded agreements with the British Government, which facilitate the passage of the aircraft which form a link of ever-increasing importance in the Empire chain of communications—a link in which

the Government of India have a vital interest. I shall always remember with pleasure my meetings with certain of the Arab rulers in the course of my recent journeys by air through their territories. Their loyalty to their ancient associations with the British Government and the Government of India was on that occasion expressed in the most marked manner, and they may rest assured that no Viceroy in India can fail to have their interest at heart.

The frontier province of Baluchistan has been the focus of world-wide sympathy on account of the terrible earthquake which, as Honourable Members are aware, recently overtook the city of Quetta and the surrounding areas and which caused a loss of life and destruction of property probably unprecedented in the history of this country. The outstanding feature of the scene of suffering and devastation that followed this catastrophe was the prompt and effective manner in which the troops of the Quetta garrison—officers and men—were organised for relief and rescue work. I had the privilege of paying them all my personal tribute of admiration during my recent visit to Quetta. I now take this opportunity again of expressing on behalf of the Government of India and myself our heartfelt sympathy with all those who have suffered and our deep gratitude to those, including the various relief organisations, who have spared no efforts to alleviate their suffering and losses; and, in this connection, I wish particularly to bring publicly to your notice the magnificent work that was done by the ladies of Quetta for whose untiring and devoted service it is difficult to find words of sufficient praise and appreciation. I must also make mention of the most generous way in which Local Governments, particularly of the Punjab, Bombay and the North-West Frontier Province, have responded to our appeal for help with staff, money and medical and other facilities and we are indebted to them and their officers for the efficient organisations set up by them for the reception and relief of refugees. My very sincere thanks are also due for the generous and world-wide sympathy that has been shown in response to my appeal for funds. It is evident that the damage which has been caused amounts to several crores of rupees, and we shall need all the money we can collect if we are to be able effectively to relieve the thousands who have been rendered homeless and destitute.

The problem of the delimitation of the undemarcated frontier between Burma and China to which I referred when I last addressed this House has advanced a stage nearer to solution. As the result of an agreement reached between His Majesty's Government in the United Kingdom and the Government of India on the one hand and the Chinese Government on the other hand by an Exchange of Notes, a Joint Boundary Commission, with a neutral Chairman nominated by the League of Nations, has been appointed to determine the southern section of the undemarcated boundary between Burma and Yunnan. The League has been fortunate in securing the services of Colonel Iselin of the Swiss Army as Chairman of the Commission. This officer has the experience of having successfully and impartially determined the frontier between Iraq and Syria, and is thus particularly well qualified to preside over the labours of the Commission on the Indo-Chinese frontier. The Commission hopes to assemble by the 1st December next and start operations immediately.

Whilst on the subject of Burma I would remind Honourable Members that when I addressed them in January last, I mentioned that the question of

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the trade relations between India and Burma after separation was the subject of conversations between my Government and the Government of Burma. These negotiations have now been concluded and the agreement which has been reached has been embodied in the Draft Orders in Council which were recently published for general information. These Draft Orders will in due course be laid before Parliament in accordance with the provisions of the Constitution Act, and it would perhaps be inappropriate at this stage to discuss them in any detail. I would, however, say that they represent the agreed opinions of my Government and of the Government of Burma as to the régime which is best calculated to create an atmosphere in which the two countries may, during the period of transition, soberly and dispassionately consider the problems of their future relations.

I am aware of the deep interest which Honourable Members have consistently evinced, since the legislation of last year, in the position of Indians in Zanzibar. The general question is still the subject of discussion between the Secretary of State for India and the Secretary of State for the Colonies. The decision of the Secretary of State for the Colonies that, if specific cases of hardship alleged to have resulted from the operation of the Cloves Decrees, are brought locally to the notice of the Government of Zanzibar, they will be most carefully investigated by that Government and, if necessary, brought to the notice of the Secretary of State for the Colonies has already been announced. All that I can do at this stage is to assure Honourable Members of the unceasing vigilance and solicitude of my Government.

Honourable Members will remember that in the course of my last address to the two Houses of the Central Legislature I referred to the outcome of Mr. Menon's enquiries regarding the probable effects of the Marketing Bill, which had been gazetted in Kenya, on the interests of Indians. His report has since been published together with the comments of the Governors of Kenya, Uganda and Tanganyika. I also informed Honourable Members that in deference to the wishes of the Government of India the Kenya Government had agreed to defer progress with the Bill pending consideration of Mr. Menon's report. It was not to be expected that legislation, which had already been announced on the lines of that existing in the sister territories of Uganda and Tanganyika, and of which the primary object was to improve methods of marketing, would be abandoned. The Government of India, therefore, bent their efforts to securing such amendments in the Bill as would reduce the hardships and remove the apprehensions of the Indian trading community in Kenya. The provision of the Bill which evoked the liveliest criticism was that relating to the grant of exclusive licences. It was feared that if, as was originally proposed, the Governor-in-Council was entitled to issue exclusive licences without reference to the Legislative Council, there would be neither sufficient publicity nor adequate opportunity for discussing the question whether the issue of such licences was necessary or justified. In order to meet this objection the Government of Kenya have inserted a provision in the Bill to the effect that the application of the principle of an exclusive licence to any particular type of produce shall be effected by motion in the Legislative Council after 14 days' notice has been given. Apart from the question of exclusive licences, the chief anxiety of Indians was that the number of buying centres might be unduly restricted, and

that they might be located at inconvenient distances from existing markets. In this respect the Government of Kenya had agreed to give an assurance that all important markets existing at present would be declared as buying centres. It is understood that the Government of Kenya have gone further and have inserted an amendment in the Bill itself providing that trading centres will automatically be markets under the Ordinance. Certain subsidiary amendments, such as the provision that reasons for the refusal to grant or renew a licence shall be recorded in writing, have also been effected. Above all a categorical assurance has been given both by the Colonial Office and by the Government of Kenya that the Bill is not racial in its intention and will not be racial in its operation. These are important safeguards. As Honourable Members are aware, the Secretary of State for the Colonies has agreed that the Bill should not be brought into operation until he has had an opportunity of considering it as passed, if necessary, in consultation with the Secretary of State for India. The way is, therefore, still open to further representations by us, should these become necessary.

A subject of considerable general interest and importance on which I should like to dwell is the activities of the Indian Research Fund Association. The Association depends for its activities primarily on funds provided by Government. The Central Legislature is represented on its Governing Body by two members elected by the Legislative Assembly and one member elected by the Council of State, but I am not sure whether the nature or extent of the work done by the Association are widely known. This must be my excuse for referring to the subject.

I think I am correct in saying that the Association which was founded in 1911 was the first organisation of its kind to be constituted in the British Empire; the Medical Research Council in England was started only during the Great War. An increasing degree of public interest is being directed towards the graver diseases which afflict our country, such as malaria, kala-azar and cholera. In kala-azar notable success has been achieved through investigations made by a special Commission appointed by the Association and through ancillary enquiries which it partly financed. As a result, this disease which at one time seemed so menacing a problem in the Eastern parts of India may now be said to have been brought definitely under control. During more recent years the problems associated with cholera have been receiving intensive study, and I am informed that there is considerable hope that the enquiries now being carried out will throw new light on many of the puzzling features of this formidable epidemic disease. Malaria is a disease of more widespread incidence and presents more varied problems. I need hardly remind Honourable Members that it was an officer of the Indian Medical Service who discovered how the disease is transmitted and thereby pointed out the course of subsequent investigation. It is, therefore, in the fitness of things that India should continue to take a leading part in the investigation of malarial problems. The Malaria Survey of India organised by the Indian Research Fund Association has been at work for years past and has achieved notable results. As an illustration of its activities I may add that, at the moment, one of its parties is engaged in a survey of Quetta and its environments where malaria has been, and is, one of the major problems of public health.

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All of us, perhaps, are familiar by now with the term "deficiency disease" and all that it connotes. The Research Fund Association has been for long cognisant of its fundamental importance and among its most notable achievements are the researches in nutrition carried out in Coonoor by Sir Robert McCarrison who has earned a world-wide reputation and has brought credit to himself and to India. The results of researches carried out under the auspices of the Association are published from time to time in the *Indian Journal of Medical Research* and the Records of the Malaria Survey—publications issued under its authority—but for the convenience of the general public non-technical articles are also issued periodically to the lay press.

The account that I have given of the activities of the Association has had to be brief. It must not be regarded as exhaustive. But if it should serve to focus interest on a branch of research which is of the utmost importance to the welfare of the country, my object will have been served. For interest begets sympathy and sympathy encouragement. The lot of the research worker is often to miss both, because of the highly technical nature of his investigation and the comparative infrequency of dramatic discoveries. But these latter, when they come, are the culmination of years of patient toil by men whose normal reward is only the satisfaction that comes of duty conscientiously done. Our more enlightened age should at least lend them the encouragement of a public consciousness of the essentially cumulative character of scientific discovery.

Honourable Members will be interested to hear of a recent decision taken by my Government about the disposal of our surplus stocks of quinine. Although Public Health is a transferred provincial subject, the Government of India decided, some time ago, that they should maintain a reserve of 150,000 lbs. of this drug in order to meet possible emergencies. The recent distressing experience of Ceylon where the incidence of malaria on an unprecedented scale last year rapidly depleted locally available supplies has emphasised the wisdom of this decision. The surplus to which I have referred represents the stock of quinine in the possession of the Government of India over and above this reserve. The question of its disposal has been engaging the attention of my Government for some time past. Considering the constitutional position, we were under no obligation to distribute it to Local Governments below the prevailing market rates. Nevertheless in 1932 Local Governments were offered supplies, in addition to their normal annual requirements, at a price lower than the cost of production, so that they may be enabled to extend "quininisation" of the people at a smaller cost than would be incurred if these additional requirements were obtained at current market prices. This scheme fell through mainly because Local Governments found themselves unable to buy the entire surplus stock with sufficient rapidity even at the reduced price. The Government of India then endeavoured, with the full consent of past Public Accounts Committees, to sell this surplus to trade agencies, not with a view to financial profit but in order to convert into cash a commodity for which there was no effective official demand and thus make available funds that might be utilised for some useful purpose of public benefit. These efforts not having met with appreciable success, it was decided recently to distribute 45,000 lbs. free to Local Governments subject to the condition that this amount will

be distributed free over and above the quantities which Local Governments may now be distributing at their expense. The amount which is proposed to be distributed comes to more than half the available surplus, which at the end of June last was only 79,000 lbs. and represents, at the current market price of gumme, a gift of Rs. 10 lakhs to the provinces. It is hoped that the bulk of this will reach the masses in the rural areas and supplement, in the field of public health, the assistance that the contribution of one crore announced by the Honourable the Finance Member during his last budget speech was designed to provide towards rural reconstruction.

You will, I think, expect me to make some mention of a matter which, particularly at the present time, is of great public interest. I refer to India's foreign trade. Nine months ago I ventured to express some degree of cautious optimism in spite of the disabilities under which international trade was then labouring. It is a matter for regret that world conditions still show little sign of the long awaited recovery. On the contrary, yet another of our most important markets, namely, Italy, has been obliged to impose a system of drastic control over imports, in order to protect her foreign exchange position. Nevertheless, I feel that I am justified, so far as India is concerned, in repeating that note of optimism. India's exports of merchandise for the first four months of the present trade year show an increase of more than $4\frac{1}{4}$ crores over the figures for the corresponding period of 1933, and though they show a comparatively small increase of $1\frac{1}{2}$ lakhs over last year's total, it must be remembered that 1934 was marked by exceptional purchases of raw cotton by Japan. On this one head of our trade accounts alone, namely, cotton purchase by Japan, there has been a decrease of over $3\frac{1}{2}$ crores in the present year. Omitting this exceptional item, India's export trade in other commodities has improved by 3 crores in comparison with last year. Honourable Members may be interested more particularly in the results of our trading with Germany and Italy—countries in which the most stringent measures of control have been imposed. In the case of Germany our information is based on the reports of our Trade Commissioner in Hamburg, who has made a critical examination of the German import statistics. Mr. Gupta informs us that in the last quarter of 1934 the balance of trade was against India to the extent of $2\frac{1}{4}$ per cent. In the first quarter of 1935 the balance was even, showing an exchange of goods valued at 26 million Reichsmarks. For the second quarter of 1935 the balance has again swung in India's favour and Germany has imported from India goods valued at 31 million Reichsmarks against exports to India of 24 million only. Again, in the case of Italy, contrary to what might have been expected from the new and stringent system of import control, our exports in the first four months of this year have fallen off by 6 per cent only.

I quote these figures in no spirit of complacency. My Government are fully alive to the dangers with which the course of international trade is now beset and they will continue to watch the situation with the most anxious care.

Before I leave this subject, may I bring one circumstance to the notice of those who may have found little consolation in a comparison of the trade figures of pre-depression years with those of the present day? I would ask

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them to remember that world prices of primary commodities have fallen some 45 per cent. since 1929, and that values in themselves are no true index to the variation in the quantum of trade.

I turn now to certain industrial matters of interest. The coal industry in particular has been prominent in our thoughts in recent months. You will, I am sure, share my deep regret at the two tragic mining disasters which recently occurred within a month of each other and in which 81 persons in all lost their lives. The second of these accidents was, with one exception, the worst mining disaster that has occurred in India. In spite of all that care and foresight can do, mining remains in every country in the world a dangerous occupation, and our record in India in this matter hitherto has been comparatively good. These two last disasters have each been referred for investigation to Statutory Courts of Enquiry by the Government of Bihar and Orissa, and I do not, therefore, desire to comment further upon them except to say that I trust that the results of the Courts' investigations will be to indicate some steps by which the risk of the recurrence of such events can be minimised.

I noted with pleasure the passing at your last Session of the Mines (Amendment) Act which will reduce the hours of labour, will give further protection to children and will effect a number of other reforms. It will come into force in a fortnight's time, and I hope that it will prove effective in increasing the welfare and efficiency of the miners.

As most of you are probably aware we have now constituted within the Government of India a Bureau of Industrial Intelligence and Research, and the Advisory Council for this subject held recently its first meeting in Simla. I am glad to say that we have secured the co-operation of the Provincial Governments, of the leading States and of prominent non-officials on this Council. We have started on a small scale, but it is hardly necessary for me to emphasise the increasing importance of industrial research and intelligence for the advancement of industry. It is my hope that, as this work develops, it may prove of substantial assistance to Indian industrialists and particularly to those who, by reason of the small scale on which they work, are unable to undertake research for themselves or, in present conditions, to avail themselves of adequate expert advice.

Civil Aviation is a subject which will, during the next few years, force itself increasingly upon us all. You will remember that about a year ago we undertook an important programme of development, designed primarily to bring the main Trans-India route and certain internal routes into line with modern ideas. In order to ensure the close co-operation required between the Civil Aviation experts and the engineers, we have formed a special Civil Aviation Circle in the Central Public Works Department to carry out the programme directly. The estimated cost of the works was Rs. 92·57 lakhs and you will be interested to hear that orders have already been placed for hangars at a total cost of Rs. 16 lakhs and for lighting equipment at a cost of approximately Rs. 9½ lakhs. Progress with works for which special surveys have to be made will naturally be rather slower, but the outlines of the programme as a whole are being filled in. We are now faced with the introduction of regular night

flying and with a greatly increased intensity of the Trans-India services. These changes will involve certain important adjustments within the original programme, and I hope that our ground organisation will be developed fast enough to meet the demands of the air.

A less spectacular but not less useful branch of official activity is the administration of the Road Fund. Your Resolutions of April, 1934, prolonged the life of the Road Account indefinitely and made it possible for the Standing Committee on Roads to take a longer and perhaps a more generous view in dealing with the demands of the Provinces. A special contribution of Rs. 40 lakhs to the reserve in the Account was a most welcome addition to the sum available for distribution, and in March last the Standing Committee was able to approve in general outline the distribution of approximately Rs. 118 lakhs from the reserve, this sum representing resources actually in hand *plus* the additional resources likely to accrue during the execution of the works. We have not forgotten the Provinces which are most in need of help for road development, and the scheme approved by the Committee allows for grants of Rs. 25 lakhs and Rs. 12½ lakhs to Assam and Bihar and Orissa, respectively. The needs of the new Provinces of Orissa and Sind will be specially considered; surveys are in progress in Orissa and will shortly be undertaken in Sind.

You are aware that for some time past my Government have been giving attention to the development of broadcasting. At the last Session of the Legislative Assembly a fund of Rs. 20 lakhs was created for this purpose, and we are now considering to which of our many needs this fund should be devoted. We are already erecting a large transmitting station in Delhi to broadcast programmes in English and in Urdu. This station will, I hope, be ready for use before the end of this year. A large transmitting station at Madras will certainly be needed and we hope to instal new and powerful transmitters at the existing stations at Calcutta and Bombay. Whether it will be possible within the resources now at our disposal to instal four relay receivers and two short-wave stations to complete a broadcasting framework for India as a whole, I cannot yet say. A more detailed investigation of costs will be made during the coming winter, and a definite scheme for the expenditure of the sum included in the fund will then be prepared.

It is a matter of great disappointment to me that the improvement in railway earnings, which was so welcome a feature of the previous year, has suffered a set-back during the current year, though I hope it is only temporary. Till the middle of August railway earnings have been about half a crore below those of last year, and unless there is a change for the better soon the position of Indian railways will again become serious. I can only add at present that my Government are fully alive to the gravity of the situation and are in consultation with those responsible for the administration of Indian railways in order that whatever steps are possible may be taken to improve their net earnings.

This year has seen an important step forward in the development of the financial organisation of India. On the 1st of April last the Reserve Bank of India came into existence and assumed responsibility for the management of

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the currency and exchange, and for making the sterling remittances of the Government of India. The Gold Standard Reserve and the Paper Currency Reserve were on that date amalgamated and transferred to the control of the Bank. The Bank is at present continuing to issue Government of India currency notes in the form with which the public is familiar. In due course these will be replaced by the Bank's own notes. The Bank did not assume its full responsibilities as head of the credit organisation of India until the beginning of July when the scheduled banks were required to make their deposits. From that date the Reserve Bank became a central bank in the full meaning of the term and on 4th July declared its bank rate for the first time.

In March last the Legislature approved of the proposal that out of last year's revenue surplus a sum of Rs. 113 lakhs should be distributed to the Provinces for the purpose of improving the conditions of life in the villages. This action, I am glad to say, has been universally welcomed throughout India. Rs. 15 lakhs of this grant were set apart for assisting the co-operative movement. The Local Governments were invited to make recommendations as to the most profitable use to which the balance could be put, and their proposals have been scrutinised by the Government of India before their approval was accorded. A statement has recently been laid on the table of this House which shows the objects to which the money is being devoted. The objects are various, since they are adjusted to the needs of the different parts of the country. Out of the total grant, over Rs. 25 lakhs will be spent on village water-supply and irrigation, nearly Rs. 19 lakhs on schemes for general improvement in the villages, Rs. 12 lakhs on the improvement of village roads, and Rs. 10 lakhs on sanitation and medical work. A sign of the times is that in certain Provinces money will be spent on arrangements for broadcasting instruction and entertainment in the villages. My hope is that this grant will prove the beginning of a steady advance throughout India in improving the conditions of life in the villages in which nine-tenths of the population live.

Since I last addressed you the Government of India Bill has received the Royal Assent and has become the Government of India Act, 1935. A great and difficult task has thus been completed by Parliament, after an expression, direct or indirect, of the views of all sections of the peoples of British India and prolonged consultation with the Princes of India. Here and in England views of every nature, extreme or moderate, advanced or conservative, have been expressed. We have all sought to obtain this provision or that in the Constitution and we have all sometimes succeeded and sometimes failed. It is the business of men of practical wisdom now to forget the individual issues upon which opinion has differed and to consider the sum and substance of our total achievement. On such a consideration we must, I think, conclude that the gain to India is great.

I do not, therefore, on this occasion desire to invite your attention to any of the particular provisions of the Act, but I would ask you to consider two broad features of the new Constitution and desire to give you, if I may, one word of advice.

It is a matter of great satisfaction to me that during my Viceroyalty there has been made possible a consummation which many of the great rulers of India

through the ages desired to see but did not see and which was hardly in sight when I myself took office over four years ago. I mean that the Act for the first time in the history of India consolidates the whole of India, State and British, for purposes of common concern under a single Government. India for the first time can become one great country.

The second broad feature, in contrast with the existing Constitution, is that the Governments of India under the new Constitution will draw their authority by direct devolution from the Crown just as Dominion Governments do. They will cease to be agents and will stand forth as full political and juristic personalities exercising the functions of His Majesty.

The first feature to which I have referred is the consummation of age-long efforts, not only of the British Government but of all great Rulers in India from Asoka onwards. The second feature is the necessary preliminary and best augury for the full attainment by India of the political character which the most developed of His Majesty's dominions enjoy.

My experience of India now extends over two decades, and I have also had no inconsiderable experience of the theory and practice of political life in other parts of the British Empire. It is out of that long and full experience and out of the genuine sympathy which I have ever felt for India's political aspirations that I give you this word of sincere advice. Nothing is to be gained by working the Constitution in a spirit of mere destruction or by the abandonment of constitutional methods. The new Constitution contains within it great potentialities of development. Everything is to be gained by taking up the new proffered rôle of a consolidated India and a full political personality and by developing the Constitution till it, in due season, sheds those limitations and restrictions which have been designed for the period of its growth. The abandonment of constitutional methods has never led us anywhere in the past and will never lead us anywhere in the future.

It will not be my task to introduce the new Constitution, nor to join with you in its constitutional and, I trust, harmonious development. I shall hand over that task to one who comes equipped with great technical knowledge of our new Constitution, for he has himself been a builder in the construction of your policy, one who will I know bring to the service of the Crown here the fullest sympathy with your aspirations and ideals. I feel the greatest confidence that, when he comes to the stage which I have now reached in my life here as Viceroy he will look back on a period fraught with great good to the fortunes of India, enriched by the same kindness which you will assuredly accord to him as you have so generously accorded to me.

Your thoughts are no doubt occupied, as mine are, by forecasts of the steps by which and at which the new Constitution will be brought into operation. It is impossible for me at this stage to give any indication of precise dates. But, as you are no doubt aware, all branches of my Government and all the Provincial Governments in India are actively and industriously engaged on the problems which must be solved before the new Constitutions in Provinces and at the Centre can be introduced. We shall spare no efforts which will enable us to introduce the new order of things at the earliest possible date.

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In conformity with this intention, the Committee appointed by His Majesty's Government to report on the delimitation of constituencies and connected problems will assemble in Simla before the end of the present month, that is within two months of the date of the Royal Assent. We have secured as the Chairman of that Committee an electoral authority of great eminence in Sir Laurie Hammond, while with him will be associated two Indian members whose experience as High Court Judges ensures that judicial outlook and strict impartiality which are so essential. The problems which face the Committee are of great complexity, but I am confident that they will prove equal to the task.

In conclusion I wish to make an appeal, which is not new, but which is uppermost in my mind at the present time. No system of Parliamentary Government can be expected to work successfully and for the benefit of the people as a whole without the existence of a spirit of accommodation and a willingness on the part of all sections of the people to prefer the wider interests of the whole body-politic to the narrower interests of their own particular section. As I said not long ago in a speech at Allahabad, the shadow of communal strife is hanging at this time over India. It is a shadow of evil portent and a cause of constant anxiety not only to all Governments in India but to all thoughtful and responsible people. If India is to enter on her new Constitution in conditions favourable to its successful development, that shadow must be dispelled and I would appeal to all those who love this country and desire to see it well governed by its own people to show a spirit of tolerance and goodwill and to work for the creation of greater friendliness among all communities.

On Thursday last the Legislative Assembly to the regret of my Government and myself refused by a majority to take into consideration the Bill to give permanence to the Indian Press (Emergency Powers) Act, 1931, and to certain provisions of the Criminal Law Amendment Act, 1932. I had hoped that the Assembly would share with Government the responsibility for this measure. Their refusal to do so has transferred the responsibility to me and after taking time to consider all the implications of action or inaction on my part I have decided, in discharge of my responsibility for the safety, tranquillity and interests of British India, to give the Assembly an opportunity to reconsider their decision, and the Bill will be brought before that House again in a recommended form. The arguments for and against the Bill have already been discussed at great length on the floor of the Legislative Assembly, and I shall, therefore, state as briefly as possible my own reasons for considering the passage of the Bill to be essential. We are on the eve of important changes in the Constitution of India. Within the next two years the primary responsibility for the maintenance of peace and good government in the Provinces will be transferred to Ministries responsible to the Legislatures. I consider it my imperative duty to use such powers as I possess to secure that that transfer takes place in the most favourable conditions possible to the stability and success of these new Governments. Dangerous subversive movements are still active in the country. Communal unrest as I have already said is unfortunately a more serious danger than for many years past. The experience of all Local Governments has been that the provisions of this Bill give them powers which are

effective in keeping these movements in check and in preventing the publication of incitements to communal dissension. They are unanimous in considering the retention of these powers essential. I am myself satisfied that they are right and that I would be failing in my duty if I did not use my special powers to secure that these Governments have these powers during the remainder of the present Constitution and that the new Governments shall also have them when they take over the reins of Government.

And now I leave you, Gentlemen, to continue your labours of this present Session, and I do so with full confidence that you will continue to maintain the traditions and dignity which have always characterised the proceedings of both our Legislative Chambers. (Loud and Prolonged Applause.)

The Assembly met in the Assembly Chamber at Half Past Two of the Clock, Mr. President (The Honourable Sir Abdur Rahim) in the Chair.

QUESTIONS AND ANSWERS.

INCONVENIENCES TO PASSENGERS AT RAJA-KI-MANDI RAILWAY STATION IN AGRA.

372. *Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that Raja-ki-Mandi railway station in Agra, on the Great Indian Peninsula Railway line, is the only station in the heart of the city ?

(b) Is it also a fact that even mail trains stop there ?

(c) Is it further a fact that the platform at that station is very low ?

(d) What is the stoppage of trains at the above station ?

(e) Are Government aware that most of the Agra passengers are put to great inconvenience on account of the lowness of the platform and short stoppage ? If so, what steps, if any, do Government propose to take to remove these inconveniences ?

Mr. P. R. Rau : (a) and (b). Yes.

(c) The down platform is one foot and the up platform eleven inches above rail level.

(d) Two trains stop for two minutes each, six stop for three minutes each, two for five minutes each, one for eight minutes and one for ten minutes.

(e) I am bringing the Honourable Member's suggestion to the notice of the Agent, Great Indian Peninsula Railway, for consideration.

NON-EXISTENCE OF LABELS ON COOLIES INDICATING LUGGAGE FARE AT THE AGRA FORT RAILWAY STATION.

373. *Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that the coolies at both (East Indian Railway and Bombay, Baroda and Central India Railway) the Fort Stations in Agra wear no label indicating their luggage fare ?

(b) Are Government aware that passengers are put to great inconvenience on account of the non-existence of the labels indicating luggage fare ? If so, what steps do Government propose to take to remove this inconvenience to the travelling public ?

M. P. R. Rau : (a) There is only one Agra Fort station which is worked by the Bombay, Baroda and Central India Railway. I understand that the coolies at that station wear no such label.

(b) The Agent has reported that the inconvenience has not been brought to his notice. He has been asked to consider the desirability of arranging for such labels.

WANT OF A BRIDGE AT THE RAILWAY CROSSING NEAR THE AGRA CANTONMENT STATION ON THE AGRA-JOGNAR ROAD.

374. *Pandit Sri Krishna Dutta Paliwal : (a) Is it a fact that there is no bridge at the railway crossing near the Agra Cantt. Station of the Great Indian Peninsula Railway on the Agra-Jognar Road Line ?

(b) Is it also a fact that people are put to great hardship on account of the above fact ?

(c) Have Government received any representations from public asking them to construct a bridge there ?

(d) Will Government be pleased to lay those representations on the table of this House and also state the date of each representation together with the steps taken on them ?

(e) Have any complaints been lodged or legal steps taken by any member of the public against the railway authorities in connection with the hardship ? If so, when, by whom, and with what results ?

(f) What steps do Government propose to take to remove this hardship ?

Mr. P. R. Rau : Enquiries are being made from the Railway Administration and a reply will be laid on the table in due course.

EXEMPTION OF DISABILITY PENSIONS FROM THE INCOME-TAX.

375. ***Pandit Sri Krishna Dutta Paliwal :** Is it a fact that disability pensions are exempt from the income-tax ? If so, to what extent ?

Mr. A. H. Lloyd : Yes, pensions granted to members of His Majesty's Naval, Military or Air Forces, British or Indian, or of the Auxiliary Force, India, or of the Indian Territorial Force, or of the Royal Indian Marine, who have been invalided from service with such forces on account of bodily disability attributable to, or aggravated by, such service are totally exempt from income-tax.

DOUBLE DISABILITY WAR PENSION CASES.

376. ***Pandit Sri Krishna Dutta Paliwal :** (a) Is it a fact that the pension of an officer, suffering from double disability, one due to service in the Great War, and the other due to post war service, shall be specially assessed, *vide* paragraphs 40 and 81 of the Pension Regulations, India ?

(b) Is it a fact that the post war service in Cantonments in India is included in the term " Post War service " ?

Mr. G. R. F. Tottenham : (a) and (b). Yes.

PROPAGANDA AGAINST INDIA THROUGH FILMS LIKE " BENGALI " AND " INDIA SPEAKS " IN EUROPE AND AMERICA.

377. ***Dr. P. N. Banerjee :** Will Government be pleased to state what steps have been taken to prevent the spread of false propaganda against India through scandalous films like ' Bengali ' and ' India Speaks ' in Europe and America ?

The Honourable Sir Henry Craik : As I stated in reply to questions on March 27th last, the Government of India addressed the Secretary of State in this matter, pointing out that censorship in India is conducted so as to exclude from exhibition films which are calculated to wound the susceptibilities of any foreign nation and that, for that reason, the Government of India were of opinion that India should be accorded reciprocal treatment in this matter whenever necessary. We have since heard from the Secretary of State that there is no official censorship on films in America, but there is an unofficial arrangement whereby producing companies in Hollywood do, in their own interests, make a

practice of seeking advice on the suitability for Empire audiences of films which they propose to produce. This is in the interests of the companies themselves because the Empire market is a very valuable one. It is most unfortunate that this arrangement did not prevent the production of the offensive parts of the two films mentioned by the Honourable Member. But the Government of India have been informed that the producers of the film "India Speaks" have taken to heart the adverse reception of that film both in America and elsewhere and its ban by the British Board of Censors, whose lead is usually followed by censors in other parts of the Empire, and will be reluctant to allow any similar films to be released in future. As it was believed that the film was no longer being produced and as there is no official censorship in America His Majesty's Government felt that no useful purpose would be served by making representations to the Government of the United States of America.

2. The film "Bengali" is reported to be the same as the film "The Lives of a Bengal Lancer" which has been exhibited in many places in India without objection. Certain portions of the film were excised by the Madras and Bombay Boards of Censors and, as a result of representations made by His Majesty's Government, the publishers of the film agreed to excise some portions from the copies of the film issued for exhibition in England. The copy shown in Vienna, to which references were made in the Indian Press, seems to have been an original copy and, by the time that the representation made by His Majesty's Government reached His Majesty's Ambassador in Austria, the film was at the end of its run in Vienna and the Ambassador thought that it would then be neither advisable nor appropriate to make any representation to the Austrian Government.

3. I should like to assure the House that the Government of India share the resentment of Honourable Members against the exhibition of films picturing India in an unfavourable light. They hope that the arrangement at Hollywood will in future prevent the production of such films at that place and they will take such steps as are possible to stop the exhibition of any such films both in India and elsewhere whenever they come to notice.

Dr. P. N. Banerjea : Are Government aware that a third film entitled "Everybody Loves Music" has recently been exhibited in which Mahatma Gandhi has been depicted as dancing with a European woman ?

The Honourable Sir Henry Craik : I have not heard of it. Where was it exhibited ?

Dr. P. N. Banerjea : In America, produced most probably by the "American Company".

The Honourable Sir Henry Craik : If the Honourable Member will kindly give me details, I will make enquiries.

Dr. P. N. Banerjea : Will Government consider the desirability of banning all "American Company" films if our representations do not bear fruit ?

The Honourable Sir Henry Craik : I do not think that arises. Our representations have so far proved fruitful. The Honourable Member means banning of entry of all American films into India ?

Dr. P. N. Banerjea : American films issued by this Company, the American Company, which issued "India Speaks", "Bengali" and the third film.

The Honourable Sir Henry Craik : They are all of the same company ?

Dr. P. N. Banerjea : Yes, this particular company,—the "American Company".

The Honourable Sir Henry Craik : I will consider it.

Mr. S. Satyamurti : Is the Honourable Member aware of the fact that a new film is projected which is supported by missionaries in this country, depicting the scandalous habits of the people, the disgraceful religious of the people ? May I ask the Honourable Member if he will be good enough to make enquiries ? I am obliged to the Honourable Member for the full and sympathetic answer he has given.

The Honourable Sir Henry Craik : I am not aware of that. Is it the Honourable Member's point that the film is being manufactured in India ?

Mr. S. Satyamurti : Outside India, but supported by the missionaries in this country.

The Honourable Sir Henry Craik : If the Honourable Member will give me full details, I will make an enquiry.

Mr. M. Ananthasayanam Ayyangar : Will the Honourable Member be pleased to state whether there is no law by which objectionable film or picture can be banned in America ?

The Honourable Sir Henry Craik : We have made enquiries, and we are told that there is no official censorship there.

Mr. M. Ananthasayanam Ayyangar : Apart from official censorship, if an obscene picture is put on boards, is there no law by which that film can be banned ?

The Honourable Sir Henry Craik : I am not sure about the American law, but I understand that there is no official censorship. All that happens is that Hollywood producing firms regularly consult our Consul at Los Angeles or somewhere and take his advice as to the suitability of films for British Empire audiences.

Mr. M. Ananthasayanam Ayyangar : What does the American Government themselves do in case they desire to prohibit any picture on political or moral grounds ? Is there any method whereby they can do this ?

The Honourable Sir Henry Craik : As far as I know, there is no censorship at all.

INDIANS EMPLOYED IN, AND INDIA'S CONTRIBUTION TOWARDS, THE LEAGUE OF NATIONS.

378. ***Dr. P. N. Banerjea :** Will Government be pleased to state :

- (a) the number of Indians employed in the different departments of the League of Nations during the recent years ; and
- (b) the amount of annual contribution made by India to the League of Nations as compared to the contributions of other countries ?

The Honourable Sir Nripendra Sircar : (a) During recent years the number of permanent Indian employees has been seven. The number has recently been reduced to six by the death of Mr. Chatterjee, in whose place, however, another Indian will, it is believed, be appointed. There are also understood to be about three temporary Indian employees, but temporary employees are not shown in the staff lists.

(b) The Honourable Member will find complete information on pages 1264-1265 of the League of Nations Official Journal, 15th Year, No 10 (Part II) of October, 1934, a copy of which is in the Library.

Dr. P. N. Banerjea : With regard to clause (a), what is the number of Britishers employed in the office of the League of Nations ?

The Honourable Sir Nripendra Sircar : I have given a complete list twice in answer to questions since I came into this House. All the names and nationalities will be found in the pages of the list I have referred to.

Dr. P. N. Banerjea : Has the attention of the Government been drawn to the speech of His Highness the Aga Khan in which he declared that Indian criticism of the League was growing and complained of the League's lack of universality, want of representation of Indians on it and also the magnitude of the contribution made by India to the League of Nations ?

The Honourable Sir Nripendra Sircar : I have not seen it, Sir.

SELECTION OF DELEGATES TO THE SESSION OF THE LEAGUE OF NATIONS.

379. ***Dr. P. N. Banerjea :** (a) Will Government be pleased to state the method so far adopted in selecting delegates to the sessions of the League of Nations ?

(b) Are Government prepared to consider the desirability of selecting delegates in future on the recommendation of this House ?

The Honourable Sir Nripendra Sircar : (a) The delegates are appointed by the Secretary of State acting in consultation with the Government of India.

(b) No.

Dr. P. N. Banerjea : Is it not a fact that the representatives of other Governments are also representatives of the Legislatures of those countries ?

The Honourable Sir Nripendra Sircar : I do not believe that is correct, but I have not got full information.

Dr. P. N. Banerjea : Will there be any harm if the Assembly be consulted at the time of sending the delegates ?

The Honourable Sir Nripendra Sircar : The difficulty is that the delegate who goes there is supposed to represent the views of the Government of India and not the views of this House.

Mr. S. Satyamurti : Is it the postulate of Government that the Government and this House can never agree, and whoever the House elects is bound to have an opinion different from the Government ? Cannot the Government make an honest attempt to agree with us in this matter ?

The Honourable Sir Nripendra Sircar : He may have, but he may not have

Mr. S. Satyamurti : May I ask the reason why Government refuse to consider the desirability of selecting delegates in consultation with this House ?

The Honourable Sir Nripendra Sircar : Because he may not have the same opinion as the Government of India.

Mr. S. Satyamurti : May I take it that this House ought to have no representative on the League of Nations, but the Government alone should select him ?

The Honourable Sir Nripendra Sircar : That is an inference that the Honourable Member is entitled to draw, though I do not agree.

Mr. S. Satyamurti : Is this House to be treated not as a part, but as an excrescence of the Government of India ?

(No answer.)

AMOUNT COLLECTED UNDER THE SALT (ADDITIONAL IMPORT DUTY) ACT IN BENGAL.

380. ***Dr. P. N. Banerjea :** Will Government be pleased to state :

- (a) the total amount collected under the Salt Duty (Additional) Act in Bengal from the commencement up to the end of the financial year 1933-34 ;
- (b) the amount made over to the Government of Bengal ; and
- (c) the amount spent by the Government of Bengal for the resuscitation of the salt industry in Bengal ?

The Honourable Sir James Grigg : (a) Rs. 25,02,518.

(b) Rs. 13,52,700.

(c) I would refer the Honourable Member to the reply that I gave to Mr. S. C. Mitra's question No. 645 on the 20th August, 1934.

Dr. P. N. Banerjea : Have the Government of India asked the Government of Bengal why they have not spent the money for legitimate purposes ? Is this not a misapplication of public funds ?

The Honourable Sir James Grigg : Certainly not. If the Honourable Member will refer to the question to which I have given him a reference, he will see quite clearly that the Government of Bengal have not misapplied the money.

TERMS OF REFERENCE OF THE INCOME-TAX ENQUIRY COMMITTEE.

381. ***Dr. P. N. Banerjea :** (a) Will Government be pleased to state the terms of reference under which a committee has recently been appointed to investigate the existing system of income-tax administration ?

(b) Do Government intend to invite the opinions of public bodies and individuals interested in the matter ?

The Honourable Sir James Grigg : I would refer the Honourable Member to my remarks on these points in the Report of the Proceedings of the Assembly for the 4th of April last. (Page 3667.)

Dr. P. N. Banerjea : What were those remarks ?

The Honourable Sir James Grigg : I cannot repeat them at length.

Dr. P. N. Banerjea : Will the Legislative Assembly be asked to express an opinion on the Report ?

The Honourable Sir James Grigg : I cannot say. When the report is made, I will consider the question of publication and placing it before the Assembly.

ACCELERATION OF THE SUBURBAN SERVICES ON THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

382. ***Dr. P. N. Banerjea :** Are Government prepared to consider the desirability of accelerating the suburban services on the East Indian and Eastern Bengal Railways ?

Mr. P. R. Rau : The average time table speed of suburban trains on the Eastern Bengal Railway is 21.7 miles per hour and cannot be considered unsatisfactory compared with the electrically operated suburban services on the Bombay, Baroda and Central India and Great Indian Peninsula Railways whose average time table speeds are 23.8 and 22 miles per hour, respectively

On the East Indian Railway the average time table speed of suburban trains is 19.4 miles per hour : the lower speed being due to the engineering restrictions necessary on account of relaying, reconstruction of bridges and the entire alteration and modernising of the method of signalling trains in and out of Howrah station. These works are being undertaken in order to speed up the service.

I am conveying the Honourable Member's suggestion to the Agents of these two Railways for consideration

RECRUITMENT IN THE SUBORDINATE POSTAL SERVICE.

383. ***Mr. Suryya Kumar Som :** (a) Is it a fact that recruitment to the subordinate Postal service is to be made according to the Revenue Division basis ?

(b) Is it a fact that an exception has been made with regard to such recruitment in cities like Calcutta and Bombay ?

(c) Is it a fact that recruitment in Calcutta is not to be confined only to the Presidency Revenue Division wherein it is situated ?

(d) Is it a fact that according to the orders, recruitment in Calcutta is to be made also from the Revenue Divisions adjacent to the Presidency Revenue Division ?

(e) Are Government aware that Mr. M. L. Pasricha, late Postmaster-General, Bengal and Assam Circle, interpreted the said orders that as Calcutta is situated within the Presidency Revenue Division, with reference to appointment in Calcutta, Revenue Divisions adjacent to Presidency Revenue Division, such as Rajshahi, Dacca, and Burdwan, should be considered adjacent Revenue Divisions ?

(f) Do not the Government approve of this interpretation of the then Postmaster-General, Bengal and Assam Circle ? If not, are Government aware that there is no such Revenue Division as Calcutta Revenue Division and that Calcutta is within the Presidency Revenue Division ?

(g) Do Government propose to consider the advisability of revising the orders of the present Postmaster-General, Bengal and Assam, who has interpreted the orders of the Director-General of the year 1926 that Calcutta City is a Revenue Division by itself and that Revenue Divisions

adjacent to Calcutta City alone are to be considered as adjacent Revenue Divisions in connection with appointments in Calcutta Posts and Telegraph offices ?

(h) Is it a fact that Calcutta being the capital city of Bengal, all the districts of Bengal contribute to its development, and if so, do Government propose to consider the claim of all the districts of Bengal to such appointments ?

(i) Will Government be pleased to lay on the table the note of the present Postmaster-General, Bengal, requesting the Director-General, to accept the interpretation of adjacent Revenue Divisions as applying to Calcutta City alone ?

The Honourable Mr. D. G. Mitchell : (a) to (c). Yes.

(d) The fact is not as stated by the Honourable Member. Recruitment in Calcutta is from residents of that city and also from those of the Revenue Divisions adjacent to it, i.e., the Presidency Division and the Burdwan Division. The Honourable Member is referred to the Director General's demi-official letter, dated the 17th December, 1934, a copy of which was laid on the table of this House in reply to parts (c) and (d) of Pandit Lakshmi Kanta Maitra's starred question No. 1455 on the 4th April, 1935.

(e) Yes.

(f) The reply to the first part of the question is in the negative and to the second part in the affirmative.

(g) The reply is in the negative. The Honourable Member's assumption, that the present Postmaster-General, Bengal and Assam, has wrongly interpreted the orders of the Director General, is incorrect, as the Honourable Member will see from the reply given to part (d) above.

(h) As regards the first part of the question, the fact may be as stated. The reply to the second part is in the negative.

(i) Government are not prepared to lay on the table copies of departmental notes.

Mr. Lalchand Navalrai : May I know from the Honourable Member who fixes the revenue divisions ?

The Honourable Mr. D. G. Mitchell : The Local Government fixes the revenue divisions.

Mr. Suryya Kumar Som : Is it not a fact that Calcutta itself is within the Presidency Division ?

The Honourable Mr. D. G. Mitchell : I understand that Calcutta is within the Presidency revenue division.

Mr. Suryya Kumar Som : Then the previous Postmaster General's interpretation has been overruled or differed from ?

The Honourable Mr. D. G. Mitchell : It has been overruled, because it was not in accordance with the standing instructions of the Department.

Mr. Suryya Kumar Som : Do not Government feel that injustice will be done to the other districts which are adjacent to the Presidency revenue division, because, as a matter of fact, big cities like Bombay and Calcutta are practically supplied by the revenues of these districts ?

The Honourable Mr. D. G. Mitchell : I think that would also apply to Assam, Bihar and Orissa and other parts of India. Does the Honourable gentleman contemplate that the posts of these inferior servants in Calcutta should be recruited from half of upper India ?

Mr. Suryya Kumar Som : I meant the adjacent parts of the revenue divisions, not all over India.

The Honourable Mr. D. G. Mitchell : Government consider that the present arrangement is the most equitable for all concerned

RECRUITMENT OF THE QUALIFIED SONS AND DEPENDANTS OF THE POSTAL EMPLOYEES IN THE BENGAL AND ASSAM POSTAL CIRCLE.

384 ***Mr. Suryya Kumar Som :** (a) Is it a fact that the Director General of Posts and Telegraphs, issued orders to the effect that the qualified sons and dependents of the existing employees are to be recruited freely in the Divisions wherein they are employed and that the restrictions on this score of Revenue Division should not act as bar in their cases ?

(b) Is it a fact that the aforesaid orders of the Director General are not being carried out in the Bengal and Assam Circle at present ?

The Honourable Mr. D. G. Mitchell : (a) The orders are that recruitment to the subordinate services in the Posts and Telegraphs Department should ordinarily be confined to candidates who belong to or are domiciled in the revenue divisions in which the vacancies occur ; but Heads of Circles have been authorised to depart from this rule at their discretion and to treat with considerable liberality the applications of dependants of postal employees for employment in the same place in which the officials themselves are employed, provided such candidates belong to or are domiciled in the postal Circle in which they seek employment.

(b) No.

Mr. Lalchand Navalrai : Do Government give these appointments away by selection on a consideration of personal qualifications or only on the ground that so and so is the son of these people ? Are these appointments given away by selection ?

The Honourable Mr. D. G. Mitchell : As far as I remember, all posts are filled by selection, but the idea is that, other things being equal, the relatives and other dependants of Government employees will be given a certain degree of preference.

Mr. Lalchand Navalrai : Without any selection ? Are the appointments given away by competition, or by selection ? If by selection, then are these people given preference, or they are not given any preference ?

The Honourable Mr. D. G. Mitchell : I could not say off-hand if all these appointments are by selection or by examination or other method, but, in any case, whatever the method may be, other things being equal, these relatives of Government officials are given a certain degree of preference.

RECRUITMENT IN THE SUBORDINATE POSTAL SERVICE.

385. ***Mr. Suryya Kumar Som :** (a) Is it a fact that according to a circular issued by the Director-General, Posts and Telegraphs, in the year 1926, recruitment in the subordinate Postal service is to be made on Revenue Division basis ?

(b) Is it a fact that the heads of Circles are authorised to use their discretion in special cases ?

(c) Will Government please state what those special cases are ?

(d) Will Government please state if the question of recruitment of the sons and dependents of the existing employees comes under special cases ?

The Honourable Mr D G. Mitchell : (a) and (b). The facts are substantially as stated by the Honourable Member

(c) and (d). Government regret that it is not possible to give a complete list of the special cases that might arise but the general position has been explained in the reply given to part (a) of the late Mr. Fakir Chand's starred question No 494 in this House on the 23rd February, 1935, to which the Honourable Member's attention is invited

SUB-DIVISIONAL OFFICERS AND ASSISTANT GARRISON ENGINEERS IN THE ELECTRICAL AND MECHANICAL ENGINEERING BRANCH IN THE ARMY.

386. ***Sardar Sant Singh :** (a) Will Government please state the number of Sub-divisional Officers and Assistant Garrison Engineers in the Electrical and Mechanical Engineering Branch in the Army in each command, separately ?

(b) How many of them are Europeans and how many Indians in each command ? Out of Indians, how many are Hindus, Muslims or Sikhs ?

(c) What is the starting salary of such officials, and for what period they work as Sub-divisional Officers or Garrison Engineers ?

(d) What are the prescribed minimum academical qualifications for such posts ?

(e) Is it a fact that ordinary European Sergeants are given a short training as mechanics and posted as Sub-divisional Officers without any mechanical, or academic qualifications, while Indians with high academical qualifications and with practical mechanical and electrical training are not posted as Sub-divisional Officers ? If so, why ?

Mr. G. R. F. Tottenham : (a) There is only one Assistant Garrison Engineer in the Electrical and Mechanical Branch of the Military Engineer Services.

The number of Sub-Divisional Officers (military and civilian) in this Branch is shown below .

	No.
In Northern Command	22
In Southern Command	13
In Eastern Command	13
In Western Command	6
	—
Total	54
	—

(b) I lay on the table a statement giving the information asked for.

(c) The starting pay of military Sub-Divisional Officers is Rs. 220 per mensem and of civilian Sub-Divisional Officers Rs. 150 per mensem. Except for military mechanists who come to India for a five years tour

and revert to the United Kingdom on its completion, military personnel of the Sub-Divisional Officer class serve up to the age of 52 when they retire after an average service of 22 years in the Military Engineer Services. Civilians normally retire at the age of 55 after an average service as Sub-Divisional Officers of 20 years.

(d) Military Sub-Divisional Officers have to qualify at a special two years' course at the School of Military Engineering, Chatham, which provides a high standard of electrical and mechanical training to individuals who have already acquired technical knowledge from practical experience in this Branch of engineering in the United Kingdom. In addition, they are required to pass subsequently special examinations conducted by the City and Guilds Institute. Civilian Sub-Divisional Officers are normally promoted from subordinate positions in the various electrical and mechanical installations run by the Military Engineer Services and selection is confined to those who have passed a departmental examination based on the City and Guilds examinations referred to above.

(e) What I have just said shows that it is not a fact.

Statement.

Command.	Europeans.		Indian (civilians).			Total.
	Military.	Civilians.	Hindus.	Muslims.	Sikhs.	
Northern ..	22	..	..	..	..	22
Southern ..	11	2	..	..	..	13
Eastern ..	8	3	2	..	..	13
Western ..	4	..	2	..	..	6
Total ..	45	5	4	..	..	54

SALE OF SILVER.

387. ***Mr. Akhil Chandra Datta :** (a) Has the attention of Government been drawn to the resolutions recently passed at the annual meeting of the Federation of Indian Chambers of Commerce regarding the dangers of silver sales ?

(b) How much loss did Government suffer by the sale of silver from 1926 to date ?

(c) Is it in the neighbourhood of 26 crores ?

(d) How was this loss met ?

(e) In view of the obligations of Government to keep the Reserve Bank supplied with silver rupees, do they intend selling more silver ?

(f) Will Government state the total value of silver rupees and bullion held by them against currency reserve at the present level of prices (without taking the gold standard reserve into consideration) ?

The Honourable Sir James Grigg : (a) Yes.

(b), (c) and (d). I would refer the Honourable Member to Account No. 93A in the Finance and Revenue Accounts of the Government of India for the year 1933-34. The loss shown there of course only covers realisations since 1927-28 ; in the years prior to this there was of course a very large net profit which cannot however be exactly calculated.

(e) I do not think that it is desirable in present circumstances to make any statement on this subject.

(f) Government no longer hold silver against currency notes. The amounts of rupees held by the Reserve Bank in their reserve against notes are shewn in their weekly published statements.

Mr. M. Ananthasayanam Ayyangar : Are Government aware that in the paper Currency Reserve the Government of India's silver rupee securities have gone down in amount from Rs. 43 crores to 26 crores in a period of two months ?

The Honourable Sir James Grigg : I am afraid I cannot understand in the least what the Honourable Member is talking about. The reserves held against currency notes are entirely in the hands of the Reserve Bank.

CONSTRUCTION OF MORE QUARTERS FOR THE EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI.

388. ***Syed Ghulam Bhik Nairang :** (a) Are Government aware that several employees of the Government of India Press, New Delhi, have been made to live in inferior type quarters due to the paucity of proper and superior type of quarters in the Press Area ?

(b) Is it a fact that many Readers, Revisers and Copy-holders, as well as clerks, have been allotted and are occupying Duftary type quarters (which are primarily meant for the menial staff), as there is a tremendous shortage of suitable quarters ?

(c) Are Government aware that on the 1st June, 1935, a memorial praying for the construction of more quarters of the type required was submitted by several employees of the Government of India Press, New Delhi, to the Secretary to the Government of India in the Department of Industries and Labour ?

(d) If the answer to part (c) be in the affirmative, what decision have Government reached as to the said memorial ?

(e) Do Government propose to build more quarters for the employees of the New Delhi Press ? If so, when will these quarters be made available to them ?

The Honourable Mr. D. G. Mitchell : (a) Under the rules and orders at present in force no press employee is compelled to occupy Government accommodation in New Delhi.

(b) Yes—but the type of quarters referred to is intended for all employees drawing less than Rs. 45 per mensem and not for Duftries and inferior servants only.

(c) to (e). Memorials from certain employees of the Government of India Press, New Delhi, praying for the construction of additional quarters have just been received and will be considered by Government.

RULES GOVERNING THE ALLOTMENT OF QUARTERS TO THE EMPLOYEES OF THE
GOVERNMENT OF INDIA PRESS, NEW DELHI.

389. ***Syed Ghulam Bhik Nairang** : Is there a separate set of rules governing the allotment of quarters to the employees of the Government of India Press, New Delhi ? If so, will Government be pleased to lay a copy of those rules on the table of this House ?

The Honourable Mr. D. G. Mitchell : There are no separate rules for the Press quarters at New Delhi.

WANT OF SMOKE-CHIMNEYS IN THE DUFTARY TYPE QUARTERS OF THE
GOVERNMENT OF INDIA PRESS, NEW DELHI.

390. ***Syed Ghulam Bhik Nairang** : (a) Are Government aware that there are no smoke-chimneys in the Duftary type quarters of the Government Press, New Delhi ?

(b) Is it a fact that smoke-chimneys have been provided in the newly-built Duftary type quarters that have been erected to the east of the Press Area ?

(c) If so, do Government propose to provide similar chimneys in the Duftary type quarters of the Press Area as well ? If not, why not ?

The Honourable Mr. D. G. Mitchell : (a) and (b). Yes.

(c) No Funds cannot at present be made available for the work.

CLASSIFICATION OF THE EMPLOYEES OF THE READING BRANCH OF THE
GOVERNMENT OF INDIA PRESS, NEW DELHI.

391. ***Syed Ghulam Bhik Nairang** : (a) Are Government aware that a memorial was submitted to the Government of India by the members of the Reading Branch of the Government of India Press, New Delhi, urging their classification as " ministerial " workers instead of " industrial " workers, which is their present designation ?

(b) Have Government considered this memorial and reached a conclusion ? If so, what is the decision arrived at ?

The Honourable Mr. D. G. Mitchell : (a) and (b). The memorial was not submitted to the Government of India ; it was addressed to the Controller of Printing and Stationery and rejected by him, after careful consideration

ALLEGED COMPULSION FOR OVERTIME WORK IN THE GOVERNMENT OF INDIA
PRESS, NEW DELHI.

392. ***Syed Ghulam Bhik Nairang** : (a) Is it a fact that the employees of the Government of India Press, New Delhi, work over-time during the winter season ?

(b) Is it a fact that very often they have to work eleven hours a day ?

(c) Are Government aware that this over-work is telling upon the health of the employees and that those who do not want to work over-time are forcibly made to do so ?

(d) If so, under what rule of the Press Hand-book is this compulsion justified ?

The Honourable Mr. D. G. Mitchell : (a) Yes, at times.

(b) In order to deal with an exceptional press of work generally during the winter season, the men are sometimes required to work for more than ten hours

(c) Government have no reason to suppose that the amount of over-time has been such as to produce adverse effects on health. The liability to work overtime is part of the ordinary conditions of service of press employees.

(d) Under the last sub-paragraph of paragraph 30 of the Press Handbook.

Mr Lalchand Navalrai : What is the ordinary time for them to work—how many hours ?

The Honourable Mr. D. G. Mitchell : About forty-eight hours a week.

EXEMPTION OF MUSLIM EMPLOYEES OF THE GOVERNMENT OF INDIA PRESS, NEW DELHI, FROM WORKING OVERTIME ON FRIDAYS.

393. ***Syed Ghulam Bhik Nairang :** (a) Is it a fact that one hour's leave is allowed to Muslim employees of the Government of India Press, New Delhi, to say their Friday prayers ?

(b) Is it a fact that if the Muslim employees work over-time on Friday this one hour is deducted from their over-time ? If so, why ?

(c) Do Government propose to make payments to Muslim employees for over-time work on Fridays ? If not, why not ?

(d) Do Government propose to exempt as many Muslim employees as possible from working over-time on Fridays and specially when non-Muslim employees are available ?

The Honourable Mr. D. G. Mitchell : (a) Yes

(b) and (c). The attention of the Honourable Member is invited to the reply given in the Legislative Assembly on the 20th August, 1934, by the Honourable Sir Frank Noyce to starred question No. 668.

(d) Government are anxious to reduce overtime as much as possible for all employees. But it would not be fair to members of other communities to detain those who had already worked full time, while those who had worked a shorter time were released.

EFFECT OF THE RISE IN THE PRICE OF SILVER ON THE RUPEE.

394. ***Mr. T. S. Avinashilingam Chettiar :** Will Government state :

(a) whether they are aware of the intention of the Government of the United States of America to push up the price of silver to 80d. ; and

(b) what Government propose to do, if, by this rise of price of silver, the rupee ceases to become a token coin ?

The Honourable Sir James Grigg : I would invite the attention of the Honourable Member to the reply given by me to Mr. Satyamurti's starred question No. 223 during the current Session.

APPLICATIONS FROM MAHATMA GANDHI AND BABU RAJENDRA PRASAD FOR
PERMISSION TO ENTER THE EARTHQUAKE AREA IN QUETTA.

395. ***Mr. T. S. Avinashilingam Chettiar** : Will Government state :

- (a) whether it is a fact that Mahatma Gandhi and Babu Rajendra Prasad, the President of the Indian National Congress, had applied for permission to enter the earthquake area in Quetta for doing relief work ;
- (b) whether their applications were rejected ; and
- (c) if so, on what grounds and for what reasons ?

The Honourable Sir Henry Craik : (a) Yes.

(b) and (c). I would refer the Honourable Member to the answer given by me to Mr. Satyamurti's starred question No. 219.

Mr. T. S. Avinashilingam Chettiar : Are the Government of India prepared to publish the correspondence with Babu Rajendra Prasad on the subject ?

The Honourable Sir Henry Craik : I said in answer to the previous question that I was prepared to do it, but I have not got the permission of the people to whom the letters were addressed.

Mr. T. S. Avinashilingam Chettiar : Are Government aware that Babu Rajendra Prasad has sent out to the press his letter, and are Government free to publish such correspondence ?

The Honourable Sir Henry Craik : I saw something in the press, but he did not say that the Government had asked his permission to publish.

Mr. S. Satyamurti : Do Government propose to publish it, or to ask him for permission to publish it ?

The Honourable Sir Henry Craik : I do not think it would be for Government to ask him for permission.

Mr. S. Satyamurti : Will Government ask for permission ?

The Honourable Sir Henry Craik : If the Honourable Member wants his consent, I suggest the Honourable Member should ask him.

Mr. S. Satyamurti : If I communicate his consent to Government, will Government publish it ?

The Honourable Sir Henry Craik : Yes.

TENDERS FOR WAGONS FOR 1935-36.

396. ***Mr. T. S. Avinashilingam Chettiar** : Will Government state :

- (a) whether it is a fact that tenders for wagons for 1935-36 were called for in three lots ;
- (b) that the third call was for 2,050 wagons, and that for this world tenders were invited and Belgian, German and British firms gave tenders ;
- (c) that the tenders of the Indian firms were the lowest, except for Metro-cammell whose price was ten per cent. less and a German group who quoted five per cent. lower ;

- (d) that, though Metro-cammell quoted for the whole lot, the delivery schedule they had given was such that they could complete only 750 wagons in this fiscal year, and so they got an order for 750 wagons ;
- (e) that 500 wagons were withdrawn, and with regard to the balance of 800 wagons, the Indian firms were offered prices which were far below their tender prices ;
- (f) Whether it is a fact that the saving effected by placing the order with Metro-cammell was only Rs. 3 lakhs ;
- (g) supposing this order to have gone to Indian firms, what the increased railway freight is that this manufacture should have occasioned ; what the extra excise duty and additional income-tax is that Government may have obtained ;
- (h) whether Government are aware that, in response to the insistence of the Select Committee of this House in 1927, Sir George Rainy, the then Commerce Member, accepted that all future orders should be placed in India ; and
- (i) in the face of this assurance, why orders for these wagons were given to a foreign non-Indian company ?

Mr. P. R. Rau : (a) Yes.

(b) Yes.

(c) Four types of wagons were included in the world call for tenders, viz.,—

O—Train piped and with hand brake.

O—fully vacuum braked.

OM—and

CR—

For the two O types and the OM type, one British tender and one German tender were lower than the lowest Indian tender. For the CR type, two British tenders and one German tender were lower than the lowest Indian tender. For the types for which the order was placed abroad (viz., O fully vacuum braked and CR) the British tenders were ten per cent. and 14 per cent. and the German tenders 4.5 per cent. and nine per cent., respectively, below the lowest Indian tender.

(d) It was estimated that it was unlikely that they could deliver more than 750 wagons before the middle of February, 1936, i.e., before our peak period of traffic for the year. Consequently only that number was ordered.

(e) The answer to the first part is in the affirmative ; as regards the second, 800 wagons were allotted to Indian firms at an agreed price, which is lower than their original tender but higher than the lowest foreign tender.

(f) The savings effected on 750 wagons, ordered with Messrs. Metro-Cammell, amounted to about 3½ lakhs and on 800 wagons ordered in India, at the negotiated price, to over Rs. 1½ lakhs.

(g) It has been estimated that the profit to Railways on the additional railway freight, if orders had been placed in India, would have

been about Rs. 20 to Rs. 25 per wagon. It is impossible to say how much additional income-tax Government would have obtained. The excise duty would almost certainly have been less than the import duty on the imported wagons.

(h) I presume my Honourable friend is referring to Sir George Rainy's minute of dissent to the report of the Select Committee on the Steel Industry (Protection) Bill of 1928. If so, what he said was as follows :

" I fully accept the view of the Tariff Board that, until orders for wagons can again be placed on a normal scale, all orders should be placed in India subject to a maximum price, and that in fixing the maximum price an addition of 12½ per cent. to the prices paid in 1925-26 will serve as a general guide. But if the Indian wagon building firms refuse to take the orders at the maximum prices which Government consider reasonable, there will be no alternative but to call for simultaneous tenders, and if the duty remains at ten per cent. there is a danger that some of them may be lost to the Indian firms."

(i) The main reason which induced Government to call for simultaneous tenders in India and abroad was that for a long time there had been no price regulator in the shape of foreign prices and Government could not be sure whether the prices quoted by Indian firms were reasonable or not. Moreover, they had grounds to suspect that the internal competition in India between the four wagon building firms had also ceased to exist. Consequently they decided that, specially in view of the fact that the total number of wagons to be purchased during the year was much higher than in past years, tenders for part of the requirements of railways should be called for both in India and abroad, and dealt with according to the Stores Purchase Rules which allow a price preference for articles of Indian manufacture. Out of the total of 4,972 wagons, 722 wagons had been purchased in India in the first call ; of the balance of 4,250 wagons, tenders were called for 2,200 in India only and 2,050 in India and abroad. The results showed that the action taken was fully justified, for the call for open tenders disclosed that the cost to the railways of restricting the second call (for 2,200 wagons) to India was something like ten lakhs.

Mr. T. S. Avinashilingam Chettiar : May I ask, Sir, in regard to
3 P.M. part (e), by how much was the price of Indian Companies above the English price ?

Mr. P. R. Rau : The English price was 2,610 ; the original Indian quotation was 2,930, and we placed the order for 2,700.

RETRENCHED AND RETAINED PERSONNEL IN THE RAILWAY RATES ADVISORY COMMITTEE.

397. ***Mr. Amarendra Nath Chattopadhyaya :** (a) Will Government please lay on the table a comparative statement showing the names of retrenched and retained persons of the Railway Rates Advisory Committee, their educational qualifications, experiences, pay, length of services of each, both in the Committee and outside ?

(b) Will Government please state the action taken for the re-employment of the retrenched persons of the Committee ?

(c) If the reply be in the affirmative, will Government please state their whereabouts ?

(d) If the reply to part (b) be in the negative, will Government please state the reasons thereof ?

(e) Will Government please lay on the table a statement showing the posts revived in the Committee since its reconstitution and names of the holder of each of them giving details of recruitment, *i.e.*, whether they are retrenched persons or outsiders ?

(f) Will Government please state the reasons for not following the rules of re-employment of retrenched personnel promulgated by the Government of India ?

(g) Will Government please state the present strength of the subordinate staff of the Committee by community, caste and provinces ?

(h) Will Government please state the future of the Committee and whether there is any possibility of calling back of the retrenched persons ?

Mr. P. R. Rau : (a) (e) and (g). The information is not readily available and Government regret they cannot undertake the compilation as the labour and expense involved will, they consider, be out of all proportion to any possible use it can be put to.

(b), (c), (d) and (f). Government are informed that the rules for the re-employment of retrenched personnel have been duly followed. The details have been left to the President.

(h) For the future of the Committee I would refer the Honourable Member to section 191 of the Government of India Act, 1935. I am unable to give a definite answer to the second part of his question.

The Honourable Sir James Grigg : Before I reply to question No. 398, you will perhaps allow me to say a few words in connection with my answer to Mr. Ananthasayanam Ayyangar's supplementary question which I did not then properly hear. I now understand that the Honourable Member asked what was the explanation of the fall in the Government of India's securities in the Currency Reserves. If the Honourable Member will look into the returns, he will find that that is compensated for by an increase in sterling securities. This means, of course, that the external Currency Reserves have been strengthened.

SALE OF SILVER BY THE GOVERNMENT OF INDIA.

398. ***Mr M. Ananthasayanam Ayyangar :** (a) Has any quantity of silver been sold by the Government of India since March, 1935 ? If so, what is the quantity and what is its value ?

(b) What has been done with the proceeds, if any ?

The Honourable Sir James Grigg : I would invite the attention of the Honourable Member to the reply given by me to part (e) of Mr. Akhil Chandra Datta's starred question No. 387 during the current Session.

Mr. M. Ananthasayanam Ayyangar : The Honourable Member has only stated in answer to Mr. Akhil Chandra Datta's question that it is confidential and he is not prepared to state what the silver policy of the Government will be in the future ?

The Honourable Sir James Grigg : I said on a previous occasion, and I repeat it now, that I am quite unwilling to make any statement whatever about silver so long as the market remains in its present condition, the reason being that I think the less said in the way of giving a lead in any direction to speculators the better.

PROTECTION OF INDIANS IN ABYSSINIA.

399. ***Mr. M. Ananthasayanam Ayyangar :** How many Indians are there in Abyssinia ? What steps, if any, have been taken to protect their person and property in view of the impending war between Italy and Abyssinia ?

Mr. J. G. Acheson : The information asked for by Honourable Member has already been supplied by me in reply to a short notice question by Mr. Satyamurti on the 3rd September, 1935.

SIR GEORGE SCHUSTER'S OPINION ABOUT THE BOMBING OF INDIANS.

400. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether their attention has been drawn to the statement made by Sir George Schuster at the Peace Congress, that he is opposed to the bombing of Indians ;

(b) whether Government propose to stop this practice ; and

(c) if not, why not ?

Mr. G. R. F. Tottenham : (a) Government have seen the cutting but have ascertained that no such version of Sir George Schuster's statement can be traced in the London Press reports of the meeting.

(b) and (c). The Honourable Member's attention is invited to the reply I gave to his starred question No. 291 on the 12th September, 1935.

Mr. S. Satyamurti : Apart from Sir George Schuster's speech, may I ask one question ? What is the position today of the Government of India in respect of bombing from aeroplanes ?

Mr. G. R. F. Tottenham : I gave a full statement of that position in reply to the Honourable Member's questions only two or three days ago.

Mr. S. Satyamurti : I think my Honourable friend said that they do not bomb civil population. May I take it that the Government of India use their aeroplanes only for bombing those tribesmen who are fighting in the fields ?

Mr. G. R. F. Tottenham : The main purpose of bombing is to disperse hostile *lashkars* in the field. As I explained the other day, in certain cases the Royal Air Force also use their aeroplanes to blockade certain area.

Mr. S. Satyamurti : May I ask the Honourable Member if these aeroplanes throw bombs on the civil population, after giving notice ?

Mr. G. R. F. Tottenham : They do not.

Mr. S. Satyamurti : May I know what are these blockaded areas to which my Honourable friend refers ? Do they or do they not contain civil population ?

Mr. G. R. F. Tottenham : They contain villages, but notice is given beforehand so as to enable the villages to be evacuated before the bombing takes place.

Mr. S. Satyamurti : Do Government satisfy themselves before bombing that the villages are actually evacuated, and that there are no men, women and children in them ?

Mr. G. R. F. Tottenham : They do satisfy themselves as far as it is possible to do so.

Mr. S. Satyamurti : May I take it that the Government take the risk of bombing the civil population ?

Mr. G. R. F. Tottenham : No, Sir. It is the civil population that takes the risk of being bombed.

OFFICIAL WATCH OVER NEWS AND EDITORIAL COMMENTS IN NEWSPAPERS
RELATING TO THE QUETTA EARTHQUAKE DISASTER.

401. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether it is a fact that they have instructed Local Governments to keep a watch over news and editorial comments in papers relating to the Quetta earthquake disaster ;
- (b) if so, the reasons therefor ; and
- (c) the names of newspapers or Presses, whose securities have been forfeited on account of comments on the Quetta earthquake and matters relating thereto ?

The Honourable Sir Henry Craik : (a) Yes.

(b) These instructions were issued in view of the venomous campaign of lies which was conducted in certain sections of the Press to vilify Government and the Army over action taken in regard to Quetta.

(c) I would refer the Honourable Member to the reply given to Pandit Sri Krishna Dutta Paliwal's question No. 365.

Mr. S. Satyamurti : May I know why the Government of India prefer to proceed against these presses by way of forfeiting their security instead of prosecuting them in a Court of law under the ordinary law.

The Honourable Sir Henry Craik : Because the ordinary law has been found to be ineffective for the purpose.

Mr. S. Satyamurti : Did they try a single case of any newspaper which published any mischievous article about Quetta under the ordinary law ?

The Honourable Sir Henry Craik : The discretion was left to the Local Governments. It was the Local Governments which actually took the action.

Mr. S. Satyamurti : Did the Government of India issue any general circular or instructions or a demi-official letter to Local Governments to take action under the Press Act with regard to the Quetta affairs.

The Honourable Sir Henry Craik : I have said they did.

Mr. S. Satyamurti : What was the nature and contents of that letter ?

The Honourable Sir Henry Craik : I do not remember exactly now, but it was left to the Local Governments to take action under the Press Act.

Mr. S. Satyamurti : Why did the Government of India instruct the Local Governments to take action under the Press Act, and not under the ordinary law, in view of the fact that in this case no prosecution can be stated to have failed ?

The Honourable Sir Henry Craik : Because experience has shown that the Press Act is the most effective means of dealing with such cases.

RESULTS OF THE OTTAWA TRADE AGREEMENT.

402. ***Mr S. Satyamurti :** Will Government be pleased to state :

- (a) whether they have seen a letter addressed by the Indian Merchants' Chamber to the Commerce Department of the Government of India about the result of the Ottawa Pact ;
- (b) whether Government will place on the table of this House the latest figures of export and import trade of India with Great Britain, the Empire countries and other countries ; and
- (c) whether Government propose to examine this question with a view to place before this House material which would help the Assembly to come to a final decision on the continuance or otherwise of the Ottawa Pact ?

The Honourable Sir Muhammad Zafrullah Khan : (a) I presume the Honourable Member is referring to the letter of the Indian Merchants' Chamber, Bombay, dated the 23rd August, 1934. If so, the reply is in the affirmative.

(b) A report of the nature referred to by the Honourable Member will be laid on the table of the House in the course of the present Session.

(c) All the material that is available and relevant will be placed before the House when it is given an opportunity of discussing the results of the Ottawa Trade Agreement in the next Budget Session.

TRADE NEGOTIATIONS WITH OTHER COUNTRIES.

403. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the progress of trade negotiations on behalf of India with other countries ?
- (b) with how many countries trade agreements have been effected ; and
- (c) when all such trade agreements will be completed ?

The Honourable Sir Muhammad Zafrullah Khan : (a) to (c). I have nothing to add to the replies already given in this Session to the Honourable Member's questions on this subject and to questions Nos. 4 and 10 of Mr. T. S. Avinashilingam Chettiar and No. 354 of Mr. Samuel Aaron on the subject of Trade Agreements.

PROTECTION OF INDIANS IN ABYSSINIA.

404. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether it is a fact that there are two thousand Indians in Abyssinia ;
- (b) whether Government are aware that the United States of America has taken all possible measures for the safety of American missionaries in Abyssinia, as also France ; and
- (c) what steps Government propose to take to protect the life and property of Indians in Abyssinia ?

Mr. J. G. Acheson : (a) There are approximately 1,000 British Indian Subjects, including British protected persons, residing in Abyssinia.

(b) and (c). The Honourable Member is referred to the answer given on the 3rd September, 1935, to his short notice question on the same subject.

Mr. S. Satyamurti : Are Government aware of the fact that, this morning or yesterday morning, it appeared in the newspapers that the British Consul in Abyssinia has invited all the Indians to come and live in a stated area, and promised to give them protection, and would Government get into touch with the latest developments with regard to the protection of Indians in Abyssinia ?

Mr. J. G. Acheson : Government have no information to that effect, but they are making enquiries.

Mr. S. Satyamurti : Will Government get into touch with the latest developments ?

Mr. J. G. Acheson : Yes, Sir.

Mr. T. S. Avinashilingam Chettiar : What is the meaning of the expression " British protected persons " ?

Mr. J. G. Acheson : " Protected persons " mean the inhabitants of Indian States who are protected by British Government.

FALL IN RAILWAY EARNINGS.

405. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) the total Railway earnings up to date, and the fall in the earnings compared with previous years ;
- (b) whether they have investigated this matter, and if so, the results of such investigation ; and
- (c) what steps Government have been taking or propose to take in this matter ?

The Honourable Sir Muhammad Zafrullah Khan : (a) The approximate earnings up to the end of August, amount to 35½ crores. They are about 70 lakhs below those of the corresponding period of last year and about 135 lakhs more than those of the corresponding period of 1933-34.

(b) The decrease is mainly in goods earnings and indicates a fall in traffic, the commodities principally affected being cotton, oilseeds and rice.

(c) The position is being watched by Government. Agents of Railways have been asked to restrict working expenses wherever possible and to examine every possibility of increasing net earnings. The whole position will be reviewed next month in consultation with Agents and the Railway Board.

Mr. S. Satyamurti : May I know if Government's special attention is being devoted to the question of rail-road competition, both in respect of passenger and goods traffic ?

The Honourable Sir Muhammad Zafrullah Khan : I have replied to this in answer to one of the supplementary questions on a previous occasion.

Mr. S. Satyamurti : Have Government heard from the Agents in answer to their suggestions to consider ways and means of increasing the income, and reducing the expenditure ?

The Honourable Sir Muhammad Zafrullah Khan : I have also explained this in answer to a supplementary question on a previous occasion that certain suggestions were tentatively discussed with the Agents when they were called up to Simla in August and they were asked to consider these suggestions and any others that might occur to them. The whole question will be considered in detail early next month.

Mr. S. Satyamurti : Half the financial year is over ; and so may I know when the Government propose to come to any conclusion so as to have any effect on the earnings or the expenses of this financial year ?

The Honourable Sir Muhammad Zafrullah Khan : I have submitted that the discussion will take place early next month.

Prof. N G Ranga : Are Government taking any steps to stimulate internal trade and traffic ?

The Honourable Sir Muhammad Zafrullah Khan : I believe I have answered that question in the answers I have given already.

Mr. S. Satyamurti : Is there any person in the Railway Board whose specific duty it is to consider these matters, that is to say, increase traffic receipts ? Is there any Member of the Railway Board or any officer there, whose job it is to concentrate on this matter and make suggestions for the acceptance of the Government ?

The Honourable Sir Muhammad Zafrullah Khan : There is the Director of Traffic, the Deputy Director of Traffic and the Railway Board itself.

Mr. S. Satyamurti : With so many people, what is the result ?

The Honourable Sir Muhammad Zafrullah Khan : In spite of the help of the opposition in this matter.

Mr. S. Satyamurti : But you won't take our help ; if you do, you will be better off.

The Honourable Sir Muhammad Zafrullah Khan : We welcome all help from any quarter.

RENEWAL OF THE TRADE TREATY WITH TURKEY.

406. ***Mr S Satyamurti** : Will Government be pleased to state :

- (a) whether they have received a communication from the Muslim Chamber of Commerce, urging the renewal of the trade treaty with Turkey ;
- (b) at what stage the matter stands ; and
- (c) when the trade treaty will be completed ?

The Honourable Sir Muhammad Zafrullah Khan : (a) Yes

(b) The matter is still under discussion.

(c) I regret I am unable to fix the exact date.

Mr. S. Satyamurti : How long has this matter been under discussion ?

The Honourable Sir Muhammad Zafrullah Khan : Some months.

Mr. S. Satyamurti : What is the average period for settling important questions ?

The Honourable Sir Muhammad Zafrullah Khan : It depends upon the opposite party Government cannot arrive at an *ex parte* decision.

Mr. S. Satyamurti : Government cannot arrive at any decision. That is my trouble.

WALK-OUT BY THE INDIAN MEMBERS OF THE KENYA LEGISLATIVE COUNCIL.

407. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether they have heard that the Indian Members of the Kenya Legislative Council walked out of the Council when the Marketing legislation was being discussed ;
- (b) whether Government took any steps in the matter ;
- (c) what the results of these steps were ;
- (d) whether Government have ascertained the reasons for the walk-out, and if so, what they are ; and
- (e) whether they propose to have an Agent of their own in the East African territories, and if not, why not ?

Sir Girja Shankar Bajpai : (a) Government understand that four out of five Indian members walked out of the Legislative Council on the 3rd July, 1935.

(b) to (d). On receipt of information that a walk-out was intended by some Indian members Government caused them to be informed of the changes effected and contemplated in the Bill, in the hope that they would reconsider their decision ; but the walk-out took place, nevertheless, because the members concerned were not satisfied with the Bill.

(e) Not at present.

Mr S. Satyamurti : May I know the reason why Government do not propose to appoint an Agent of their own in East African territories now ?

Sir Girja Shankar Bajpai : Primarily financial.

Mr. S. Satyamurti : Did my Honourable friend's Department put up a proposal to the Finance Department, and did the Finance Department turn it down ?

Sir Girja Shankar Bajpai : The Department of Education, Health and Lands has to consider the claims of all competing cases before it approaches the Finance Department.

Mr. S. Satyamurti : Among the competing claims within the scope of the Honourable Member's Department, does he consider that this is not as important as many others ?

Sir Girja Shankar Bajpai : Considering the general financial outlook, I should say that there are other claims that are more important than this.

Mr. S. Satyamurti : Other claims in his Department ?

Sir Girja Shankar Bajpai : I am referring to my Department which is not limited to overseas.

DISABILITIES OF INDIANS IN ZANZIBAR.

408. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether they are considering the question of Indian disabilities in Zanzibar ;
- (b) what they have so far done in the matter ; and
- (c) the latest position in respect of this matter ?

Sir Girja Shankar Bajpai : (a), (b) and (c). I would refer the Honourable Member to the reply given by me on the 4th Septemoer, 1935, to his question No. 118.

SCHEME FOR THE UTILISATION OF THE GRANT FOR RURAL DEVELOPMENT IN THE PUNJAB.

409. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether the Punjab Government have submitted to the Government of India their final scheme for the utilisation of the grant for rural development ;
- (b) whether Government will place the same on the table of this House ; and
- (c) whether they propose to send it to all the other Local Governments for information and guidance ?

The Honourable Sir James Grigg : (a) Yes.

(b) The Honourable Member is referred to the statement laid on the table of the House in reply to Mr. Basanta Kumar Das's question No. 162, regarding the schemes for rural development.

(c) The statement referred to above is a published document and available to Local Governments equally with the general public.

Prof. N. G. Ranga : Is the Honourable Member aware of the fact that no provision is made at all for water supply or for Harijans in the Punjab ?

The Honourable Sir James Grigg : I answered that question in reply to a supplementary question of the Honourable Member the other day.

INDIANISATION OF THE INDIAN ARMY VETERINARY CORPS.

410. *Mr. S. Satyamurti : Will Government be pleased to state :

- (a) their policy with regard to the Indianisation of the Indian Army Veterinary Corps ;
- (b) the reasons why to obtain a commission in this service a candidate must first obtain the diploma of M. R. C. V. S. after five years' study in a recognised Veterinary College in England ; and
- (c) the reasons why they have not prescribed an alternative Indian qualification ?

Mr. G. R. F. Tottenham : (a) The policy is to provide Indian mounted units with Indian veterinary officers holding the diploma of Member of the Royal College of Veterinary Surgeons.

(b) and (c). A qualification of this standard is essential for the application of modern veterinary science to the problem of reducing animal wastage, but no such qualifications can be obtained in India at present. The M. R. C. V. S. is the qualification possessed by British Officers of the Royal Army Veterinary Corps in close co-operation with whom the Indian Commissioned Officers will have to work so long as there are British troops in this country.

Mr. S. Satyamurti : Is there any attempt made by the Government to institute or develop a corresponding qualification in this country.?

Mr. G. R. F. Tottenham : Sir, I believe the Royal Commission on Agriculture did make certain recommendations with regard to improving the standard of veterinary education in this country. Of course it is for the Local Governments and their Ministers to take action on that report.

Mr. S. Satyamurti : Will the Government of India address Local Governments in view of the need, which the Honourable the Army Secretary states, exists, to have this qualification, to evolve or develop corresponding qualifications in their own spheres of action ?

Mr. G. R. F. Tottenham : If the Honourable Member wishes, I will pass on that suggestion to my Honourable friend, the Secretary for Education, Health and Lands.

Mr. T. S. Avinashilingam Chettiar : Does the Honourable Member remember his promise in the last Budget Session that he will appoint Indian officers to this post in the Army Department ?

Mr. G. R. F. Tottenham : Indian officers are being appointed.

Mr. T. S. Avinashilingam Chettiar : How many ?

Mr. G. R. F. Tottenham : I require notice.

PROVINCIAL LOANS.

411. **Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) the latest decision with regard to the Provincial loans, that is, the amounts which stand to the debit of each Province ;
- (b) the principles on which these loans are given, and interest thereon is charged ; and
- (c) whether there is any intention to introduce a new system ?

The Honourable Sir James Grigg : (a) and (c). The matter is being considered in connection with the financial arrangements under the new constitution.

(b) I would invite the attention of the Honourable Member to Appendix VI-A of Audit Code, Volume II, copies of which are in the Library of the House.

Mr. S. Satyamurti : May I know if the Local Governments are getting the full benefit of the prevalent low rates of interest to the extent to which the Government of India get such benefit.

The Honourable Sir James Grigg : This depends on a rather complicated series of arrangements. At the moment and to the extent to which individual issues are converted to the extent that Local Governments may be presumed to have borrowed out of the proceeds of those particular issues, they get the benefit of the conversion.

Mr. S. Satyamurti : Is there no proposal to abolish provincial loans funds and distribute them to the various provinces to operate on their own responsibility ?

The Honourable Sir James Grigg : That is a large question which I cannot answer without being obliged to make a considerably longer statement than is possible now.

Mr. S. Satyamurti : May I know if the Government of India have considered in this connection the desirability of avoiding competing loans by various public bodies in this country ?

The Honourable Sir James Grigg : That is precisely one of the functions of a Central Bank.

Mr. T. S. Avinashilingam Chettiar : What are the principles governing provincial loans ?

The Honourable Sir James Grigg : If the Honourable Member would refer to the document I have mentioned in answer to this question, he will find that out.

SYSTEM OF NOMINATIONS TO THE MUNICIPALITIES IN FIJI.

412. ***Mr. S. Satyamurti** : Will Government be pleased to state :

- (a) whether their attention has been drawn to the statement of Pandit Shree Krishan Sarma on the system of nominations to the municipalities in Fiji to the effect that what the Indians care for is a common roll, and to effect this they want the qualifications for voters to be broadened ;

(b) what the attitude of the officials in Fiji is towards this demand of Indians ; and

(c) what action Government propose to take in this matter ?

Sir Girja Shankar Bajpai : (a) Yes.

(b) and (c). The attention of the Honourable Member is invited to the reply given by me on the 12th September, 1935, to Mr. Mohan Lal Saksena's question No. 296.

HIGHER IMPORT DUTY ON FOREIGN PADDY IN THE UNITED KINGDOM.

413. ***Mr. S. Satyamurti :** Will Government be pleased to state :

(a) whether they have made a strong representation to the British Government on the question of higher import duty on foreign paddy in the United Kingdom ,

(b) the reason for this representation ; and

(c) the latest figures with regard to the import of foreign paddy and Indian rice into England ?

The Honourable Sir Muhammad Zafrullah Khan : (a) and (b). The Government of India were informed that increasing imports of foreign paddy into the United Kingdom were likely to deprive Indian rice of the full benefits of the preference secured under the United Kingdom-India Trade Agreement. This possibility was brought to the notice of His Majesty's Government and as a result of the representations made by the Government of India an import duty of 2½ d per lb. has been imposed by His Majesty's Government in the United Kingdom on paddy imports of non-empire origin.

(c) I lay on the table a statement containing the required information.

Statement showing the imports of paddy other than Indian and of Indian rice into the United Kingdom.

Imports of	Year.	January.	February.	March.	April.	May.	June.	July.	August.	Septem-ber.	October.	Novem-ber.	Decem-ber.	Total.
Paddy other than Indian.	1933	Cwts. Nil	Cwts. 405	Cwts. 45	Cwts. Nil	Cwts. 600	Cwts. 2,000	Cwts. Nil	Cwts. 1,000	Cwts. 2,000	Cwts. 240	Cwts. 8,039	Cwts. 5,166	Cwts. 19,495
	1934	21,242	10,075	24,467	22,324	9,339	18,750	18,750	94,664	105,071	6,791	Nil	2,100	333,573
	1935 (upto June only).	26,942	63,174	60,472	20,992	1,003	35	..	..	..	..	..	..	172,618
Indian Rice ..	1933	12,857	11,395	145,196	136,929	86,642	59,451	28,368	32,286	54,182	28,398	39,939	17,353	652,396
	1934	3,678	16,164	88,164	184,047	205,112	113,187	38,485	69,786	13,654	41,933	24,286	10,736	809,232
	1935 (upto July only).	7,288	25,328	112,345	238,235	214,657	104,823	75,368	..	..	..	..	..	777,944

Mr. S. Satyamurti : Has the position improved from the point of view of imported Indian rice into England ?

The Honourable Sir Muhammad Zafrullah Khan : Certainly.

PROGRESS OF SUGAR RESEARCH IN INDIA.

414. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether on a review of the work done till now, the Sugar Committee of the Imperial Council of Agricultural Research has come to the conclusion that the progress made had not kept pace with anticipations, and that India would not be able to stand on her own legs if the present rate was not accelerated, and that the chief reasons for this are paucity of funds for sugar research and the late starting of the Central Research Institute ;
- (b) whether it is a fact that the Committee noted with regret that there were many sanctioned schemes of research which had been held up for want of funds ;
- (c) whether Sir George Rainy, the then Commerce Member, pointed out that adequate funds should be placed at the disposal of the Committee for this research work ;
- (d) whether the Committee have suggested that two annas out of the sugar excise duty should be assigned for the purpose of promoting research, both on the agricultural and on the manufacturing side ; and
- (e) what steps Government propose to take in the matter ?

Sir Girja Shankar Bajpai : (a) and (d). The Sugar Committee's views are crystallised in a resolution which states that progress in sugar research and agricultural development has not been as rapid as it ought to have been but does not make any mention of delay in starting the Central Sugar Research Institute. The Committee has recommended more intensive work, especially on cane and has expressed the view that a settled and growing source of income should be provided for sugar research either by allocation annually of a sum equal to two annas per cwt. of the excise duty levied on the excisable sugar produced in India or by an annual grant of not less than Rs. ten lakhs.

(b) No.

(c) Yes.

(e) Government have already made or promised grants aggregating Rs. 34 lakhs for sugar research. Requests for financial provision for specific proposals for more intensive work on the lines recommended by the Committee will receive most careful consideration.

TARIFF BOARD ENQUIRY INTO THE TEXTILE INDUSTRY.

415. ***Mr. S. Satyamurti :** Will Government be pleased to state whether they intend to order an enquiry by the Tariff Board into the textile industry, and if so, what the nature of the enquiry will be ?

The Honourable Sir Muhammad Zafrullah Khan : The Honourable Member is referred to the Commerce Department Resolution No. 341-T. (12)35, dated the 10th September, 1935, which was published in the Gazette of India Extraordinary of that date, copies of which are in the Library

Mr. S. Satyamurti : In view of the fact that this Assembly rejected, by a decisive majority, the Indo-British Trade Agreement, which *inter alia* provided that British interests ought to be given a hearing before the Indian Tariff Boards, may I know the reason why Government turned down that recommendation of this House, and have now provided for British textile interests being heard by this Tariff Board ?

The Honourable Sir Muhammad Zafrullah Khan : Government had already given an undertaking to that effect.

Mr. S. Satyamurti : May I know if the undertaking was given before the House gave its verdict or after it ?

The Honourable Sir Muhammad Zafrullah Khan : I believe, before.

Mr. S. Satyamurti : May I know why Government did not consider the need for changing their opinion, in view of the verdict of this House ?

The Honourable Sir Muhammad Zafrullah Khan : There is no question of changing their opinion. Government are carrying out an undertaking given.

Mr. S. Satyamurti : May I know why Government have prescribed as one of the terms of reference for this Tariff Board that they ought to equate what is called the fair-selling price of Indian textile products with the price of imported articles *plus* the duty ? Have Government considered that the Indian textile industry may require further or greater or other protection ?

The Honourable Sir Muhammad Zafrullah Khan : In case the Indian textile industry requires further or other or greater protection, I have no doubt they will take the usual course of making an application with reference to this question to the Tariff Board.

Mr. S. Satyamurti : May I know if this Tariff Board is incompetent to go into this question ?

The Honourable Sir Muhammad Zafrullah Khan : This Tariff Board will go into those questions that are detailed in the Resolution, and not others.

Mr. S. Satyamurti : May I know whether the attention of Government has been drawn to the criticism of Mr. Manu Subedar, the President of the Bombay Indian Merchants' Chamber, on this Tariff Board ?

The Honourable Sir Muhammad Zafrullah Khan : If my Honourable friend will refer to the specific criticisms he has in mind, I will be able to answer.

Mr. S. Satyamurti : May I know whether his attention has been drawn to the particular criticism that membership of this Board has been overweighted in favour of those who are in favour of Imperial Preference ?

The Honourable Sir Muhammad Zafrulalh Khan : That implication is not justified.

REGULATION ISSUED IN RESPECT OF THE QUETTA EARTHQUAKE DISASTER.

416. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) the reasons why a Regulation, and not an Ordinance, was issued in respect of the Quetta earthquake disaster ,
- (b) whether the Regulation contemplates giving unlimited powers to local authorities to make rules which will have the force of law ; and
- (c) what the authority was which gave the Military authorities control over the area before the British Baluchistan (Emergency Administration) Regulation, 1935 was issued ?

Mr. J. G. Acheson : (a) and (c). The Honourable Member's attention is invited to Chapter VII of the pamphlet " Quetta Earthquake, 1935 ", a copy of which has been sent to all the Members of this House

(b) No, Sir. The scope of rule-making power conferred on the Local Government is defined in section 2 of the Regulation to which the Honourable Member is referred.

Mr. S. Satyamurti : With reference to clause (c), may I have a definite answer as to who the authority was which gave the military authorities control over the area before the Regulation ?

Mr. J. G. Acheson : The only answer which I can give now is that the alternative was control by the military authorities or complete anarchy.

Mr. S. Satyamurti : May I know the authority of the person,—the Government of India, or the Government of Baluchistan, or the military authorities themselves,—who took control ?

Mr. J. G. Acheson : That is a legal question which I think perhaps the Honourable the Law Member will be in a better position to answer

Mr. S. Satyamurti : Will the Honourable the Law Member kindly give an answer ?

The Honourable Sir Nripendra Sircar : Nobody made over the control of Quetta to the military authorities. There was no martial law which was declared. The military authorities had to take charge, because the civil administration had broken down and the civil officers were not available. Those were the circumstances which compelled them to take charge

Mr. S. Satyamurti : I know the facts ; but what is the law or the authority under which the military took charge of Quetta ?

The Honourable Sir Nripendra Sircar : The law, as has been said,—and this can be discussed at the time of the Resolution,—was the law of compelling necessity. And, if it is strictly illegal, it has got to be remedied by an Indemnity Act which has been legalised.

Mr. S. Satyamurti : May I take it then that the position is this that this act was illegal and that they have since legalised it by an indemnity Act ?

The Honourable Sir Nripendar Sircar : If it was illegal, it has been made legal. I do not concede, and, if necessary, I shall maintain, that it was not illegal.

DEPUTATION IN LONDON OF MR. E. C. MIEVILLE, PRIVATE SECRETARY TO HIS EXCELLENCY THE VICEROY TO EXAMINE THE WORKING OF THE CABINET SECRETARIAT.

417. ***Mr. S. Satyamurti :** Will Government be pleased to state :

- (a) whether Mr. E. C. Mieville, Private Secretary to His Excellency the Viceroy, has been placed on deputation in London to examine the working of the Cabinet Secretariat ;
- (b) the reasons for this deputation and the cost of this deputation ; and
- (c) whether it is intended to create a post of Cabinet Secretary, and if so, the reasons therefor ?

The Honourable Sir Henry Craik : (a), (b) and (c). Mr. Mieville was deputed to study the working of the Cabinet Secretariat in London in connection with a proposal to create a new post of Secretary to the Executive Council of the Governor General. Government have felt that the procedure under which the business of the Government of India is at present transacted can be improved and made more suited to existing and future conditions by the appointment of an officer whose main duty will be to co-ordinate the work that comes before the Government as a whole and to make and maintain a record of the discussions and decisions in Council. The extra cost involved in Mr. Mieville's deputation, was Rs. 2,618.

Mr. S. Satyamurti : May I know whether this Cabinet Secretary will be a kind of super Secretary who will report all Cabinet proceedings to the Viceroy and Governor General with a view to his employing his safeguards effectively ? Is that the idea ?

The Honourable Sir Henry Craik : No, Sir ; he will be Secretary to the Executive Council.

Mr. S. Satyamurti : And not to the Ministers ?

The Honourable Sir Henry Craik : After Federation comes in, he will certainly be Secretary to the Council of Ministers. It will be for them to decide whether they wish to continue this post or not.

Mr. S. Satyamurti : Is this gentleman going to attend meetings of the Executive Council and meetings of the future Cabinet ?

The Honourable Sir Henry Craik : Yes, Sir.

Mr. S. Satyamurti : Is it consistent with Parliamentary responsibility that a permanent servant should be present at meetings of the Executive Council, although he is not a Member of the Council ?

The Honourable Sir Henry Craik : Yes, it is done in England.

Mr. S. Satyamurti : Since when ?

The Honourable Sir James Grigg : Tentatively since 1909 I think, but it became a fixed arrangement during the war.

Mr. S. Satyamurti : Do I understand the Home Member and the Finance Member, jointly to say that, today, in the British Cabinet, permanent servants are allowed to attend and watch the proceedings ?

The Honourable Sir James Grigg . Yes, one permanent civil servant who is Secretary to the Cabinet.

Mr. S. Satyamurti : And does he keep any minutes of the Cabinet proceedings ?

The Honourable Sir James Grigg : Yes, Sir.

Mr. S. Satyamurti : Since when ?

The Honourable Sir James Grigg . I think informally just before the war, and then there was a regular appointment during the war.

Mr. S. Satyamurti . Will you consult the Prime Minister and find out ? I do not think you are correct.

MESSAGE FROM H. E. THE GOVERNOR GENERAL.

Mr. President (The Honourable Sir Abdur Rahim) : I have received the following Message from His Excellency the Governor General :

“ Whereas by its vote of the 12th September, 1935, the Legislative Assembly has refused to take into consideration a Bill entitled a Bill to amend the Criminal Law :

Now, therefore, I, Freeman, Earl of Willingdon, in pursuance of the provisions of sub-section (1) of section 67B of the Government of India Act, do recommend to the Legislative Assembly that it do pass the Bill in the form hereto annexed.”*

CRIMINAL LAW AMENDMENT BILL.

The Honourable Sir Henry Craik (Home Member) : Sir, with reference to the Message that you have just read to the House, I should like, with your permission, to be allowed to move for leave to introduce the Bill referred to. Have I your permission, Sir ?

Mr. President (The Honourable Sir Abdur Rahim) : Yes.

The Honourable Sir Henry Craik : Then, Sir, I move for leave to introduce a Bill to amend the Criminal Law in the form recommended.

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That leave be granted to introduce a Bill to amend the Criminal Law in the form recommended.”

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : On a point of order, Sir : may I know if it can be moved without a copy of the Bill being given to us here ?

Mr. President (The Honourable Sir Abdur Rahim) : It cannot be moved without the Chair's leave, unless it is on the agenda. The Chair has given leave to the Honourable the Home Member to make the motion.

Mr. S. Satyamurti (Madras City : Non-Muhammadan Urban) : Where is the Bill, Sir ?

The Honourable Sir Henry Craik : It is the same Bill.

*Not included in these debates.

Mr. President (The Honourable Sir Abdur Rahim) : It is all there : it is only the endorsement now.

Mr. Lalchand Navalrai : My point of order is different : it is whether this Bill can be allowed to be moved, without giving us copies of the Bill just to be moved.

Mr. President (The Honourable Sir Abdur Rahim) : It is exactly the same Bill without any sort of alteration, except that there is the endorsement which the Chair has read out to the House. If the Honourable Member wants copies of the Bill with the endorsement, the Secretary will distribute them.

Mr. Bhulabhai J. Desai (Bombay Northern Division: Non-Muhamadan Rural) : Mr. President,.....

Mr. President (The Honourable Sir Abdur Rahim) : Do you want to oppose the motion for introduction ?

Mr. Bhulabhai J. Desai : Yes.

Mr. President (The Honourable Sir Abdur Rahim) : Does the Honourable the Home Member wish to make any statement ?

The Honourable Sir Henry Craik : I do not think I have any statement to make. I have merely to say that the Bill is exactly the same as the Bill which has been discussed at length last week and the week before, and it has been discussed at such length that I can add nothing useful to what has already been said.

Mr. Bhulabhai J. Desai : Mr. President, I am glad to notice a certain amount of good humour in the House. In the somewhat unusual step of opposing the leave that is asked for, I am doing so under circumstances which, I think, are fairly well described by the Honourable the Home Member himself. He has told the House that we are asked now to reconsider the measure which has been fully discussed and which, by a decisive vote, last Thursday, the House rejected. They refused to consider it. If there is a constitutional sense in the House, this is a matter that ought to affect the House itself—not merely those who rejected the measure, but also the minority who, as a matter of law, are bound by the same, if there is any propriety, any sense, any value in all the legal phraseology and Acts of the Government of India. Therefore, it is not a matter merely for those who opposed the Bill. The vote of the majority, I think the Honourable the Leader of the House will acknowledge, is the vote of the House ; and loyalty demands that, at all events, in decency, all that they would do when asked for this leave is not to vote in support of it, for the simple reason that legislation in any Assembly of this kind would be impossible, and the Government of the country would be reduced to a mockery if this is the manner in which the House is to be treated by reason of the fact that there is a provision for a recommendation of the same Bill for reconsideration by the same House. I do not wish to use somewhat hackneyed language about an insult to this House or an offence to this House ; but I do wish to say this, in all earnestness, that if this House is merely to be used, whenever convenient, to register the decrees of the executive, and where they think it their duty to oppose it, then it is the will of the executive that should prevail, then it is one of those one-sided affairs in any Legislature in the world where they say when we agree, they should prevail, and where we disagree, then also they should prevail. It is, therefore, a matter of serious moment for the Mem-

bers opposite to consider with a certain degree of greater earnestness than they are likely probably, in a sort of lighthearted way, to give to it, whether their very existence here is a matter which is not called into question by the recommended Bill which has been brought before this House. If they feel still that nothing is a matter of moment to them, no Constitution, no law, no democracy, no validity of the majority vote of the House, they are entitled to take the course which they did before.

We have often talked of the breakdown of constitutions. At all events, for the second time, during the course of two Sessions in this House, I have witnessed this, and this is the second. And, here, I wish to remind you of an article which a member of the "friendly press" published only yesterday—even that press has the decency and the honesty to recognise that on a proper analysis of the vote of the House, it was a vote of the bulk of the country against this measure (*Opposition cries of "Hear, hear"*); and, yet within less than a few hours, an executive decree has been issued that the Bill shall be brought back to you, in substance and in words the same as it was here before, and passed. It is not merely a question, as it is sometimes said, of self-respect—it is a deeper and a higher question; and there is a section of the House to whom I wish to appeal in order that they may follow the same traditions which they say obtain in their own country, while governing their own country, and that they will recognise their obligation to the majority of the House, and, therefore, to the sense of the House itself and not lend any further support to the Bill at a time when it is brought back to us again on this occasion—and, but for the fact that the Bill is in terms the same, and, in fact, we are asked to reconsider what is already decided, I should not have taken the course which I am doing and which I am asking the House now to take, that this House do refuse to grant leave for the introduction of this Bill.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

"That leave be granted to introduce a Bill to amend the Criminal Law in the form recommended."

The Assembly divided :

AYES—57.

Abdul Aziz, Khan Bahadur Mian.
Acheson, Mr. J. G.
Ahmad Nawaz Khan, Major Nawab.
Allah Bakhsh Khan Tiwana, Khan
Bahadur Nawab Malik.
Anwar-ul-Azim, Mr Muhammad.
Ayyar, Diwan Bahadur R. V. Krishna
Ayyar, Rao Bahadur A A Venkatarama
Bajoria, Babu Bajrath
Bajpai, Sir Garja Shankar
Bhagchand Soni, Rai Bahadur Seth.
Bhat, Mr Madhusudan Damodar
Bhutto, Mr Nabi Baksh Illahi Baksh.
Blackwell, Mr. J. H.
Bower, Mr. E H M
Boyle, Mr J. D
Chapman-Mortimer, Mr T.
Chatterji, Mr. J M
Clow Mr A G
Craik, The Honourable Sir Henry.
Dahl Dr R. D.

Desai, Mr. S. P.
Fazl-i-Haq Piracha, Khan Sahib Shaikh.
Gajapatiraj, Maharaj Kumar Vijaya
Ananda.
Ghuznavi, Sir Abdul Halim.
Graham, Sir Lancelot.
Griffiths, Mr. P J.
Grigg, The Honourable Sir James.
Hands, Mr A S.
Hidayatallah, Sir Ghulam Hussain.
Hockenhill, Mr. F W.
Hossack, Mr. W. B.
James, Mr F E.
Jawahar Singh, Sardar Bahadur Sardar
Sir.
Lal Chand, Captain Rao Bahadur
Chaudhri.
Leach, Mr. F B.
Lee, Mr. D. J N.
Lister, Mr. T
Lloyd, Mr. A. H.

AYES—*contd.*

MacLachlan, Mr. D.
 Mehr Shah, Nawab Sahibzada Sir Sayad Muhammad.
 Milligan, Mr. J. A.
 Mitchell, The Honourable Mr. D. G.
 Morgan, Mr. G.
 Mukherjee, Rai Bahadur Sir Satya Charan.
 Owen, Mr. L.
 Rajah, Rao Bahadur M. C.
 Rau, Mr. P. R.
 Row, Mr. K. Sanjiva.

Sarma, Mr. R. S.
 Scott, Mr. J. Ramsay.
 Sher Muhammad Khan, Captain Sardar.
 Singh, Mr. Pradyumna Prashad.
 Sinha, Raja Bahadur Harihar Prosad Narayan
 Sircar, The Honourable Sir Nripendra.
 Tottenham, Mr. G. R. F.
 Yamin Khan, Mr. Muhammad.
 Zafrullah Khan, The Honourable Sir Muhammad.

NOES—69.

Aaron, Mr. Samuel.
 Abdul Matin Chaudhury, Mr.
 Aney, Mr. M. S.
 Asaf Ali, Mr. M.
 Ayyangar, Mr. M. Ananthasayanam.
 Azhar Ali, Mr. Muhammad.
 Ba Si, U.
 Badi-uz-Zaman, Maulvi.
 Badrul Hasan, Maulvi.
 Banerjee, Dr. P. N.
 Baqui, Mr. M. A.
 Bardaloi, Sriji N. C.
 Bhagavan Das, Dr.
 Chattopadhyaya, Mr. Amarendra Nath.
 Chettiar, Mr. T. S. Avinashilingam.
 Chetty, Mr. Sam Vencatachalam
 Chunder, Mr. N. C.
 Das, Mr. B.
 Das, Mr. Basanta Kumar.
 Das, Pandit Nilakantha.
 Datta, Mr. Akhil Chandra.
 Desai, Mr. Bhulabhai J.
 Deshmukh, Dr. G. V.
 Essak Sait, Mr. H. A. Sathar H.
 Fuzlul Huq, Mr. A. K.
 Gadgil, Mr. N. V.
 Ghulam Bhik Narang, Syed.
 Giri, Mr. V. V.
 Gupta, Mr. Ghansham Singh.
 Hosmani, Mr. S. K.
 Jedhe, Mr. K. M.
 Jogendra Singh, Sirdar.
 Joshi, Mr. N. M.
 Khan Sahib, Dr.
 Khare, Dr. N. B.

Lalehand Navalrai, Mr.
 Laljee, Mr. Husenbhai Abdullabhai
 Maitra, Pandit Lakshmi Kanta.
 Malaviya, Pandit Krishna Kant.
 Mangal Singh, Sardar.
 Mudaliar, Mr. C. N. Muthuranga.
 Muhammad Ahmad Kazmi, Qazi.
 Murtuza Sahib Bahadur, Maulvi Syed.
 Nageswara Rao, Mr. K.
 Paliwal, Pandit Sri Krishna Dutta.
 Pant, Pandit Govind Ballabh.
 Parma Nand, Bhai
 Raghubir Narayan Singh, Choudhri.
 Rajan, Dr. T. S. S.
 Raju, Mr. P. S. Kumaraswami
 Ranga, Prof. N. G.
 Saksena, Mr. Mohan Lal.
 Sant Singh, Sardar.
 Satyamurti, Mr. S.
 Sham Lal, Mr.
 Shaikat Ali, Maulana.
 Sheodass Daga, Seth.
 Siddique Ali Khan, Khan Sahib Nawab.
 Singh, Mr. Ram Narayan
 Sinha, Mr. Anugrah Narayan.
 Sinha, Mr. Satya Narayan.
 Sinha, Mr. Shri Krishna.
 Som, Mr. Suryya Kumar.
 Sri Prakasa, Mr.
 Thein Maung, Dr.
 Thein Maung, U.
 Umar Aly Shah, Mr.
 Varma, Mr. B. B.
 Vissanji, Mr. Mathuradas.

The motion was negatived.

THE JUBBULPORE AND CHHATTISGARH DIVISIONS (DIVORCE PROCEEDINGS VALIDATION) BILL.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I beg to move for leave to introduce a Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :
 "That leave be given to introduce a Bill to remove certain doubts and to validate certain proceedings of the High Court of Judicature at Allahabad."

The motion was adopted.

The Honourable Sir Nripendra Sircar : Sir, I introduce the Bill.

THE CENTRAL PROVINCES COURTS (SUPPLEMENTARY) BILL.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I move :

“ That the Bill to supplement the Central Provinces Courts Act, 1917, be taken into consideration ”

I do not think that I shall occupy the time of the House for more than two minutes. The Bill has been necessitated by reason of the intention to have a High Court for the Central Provinces. Owing to that, certain consequential changes have become necessary in various Acts, such as, the Indian Stamp Act, the Code of Criminal Procedure, and so on.

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill to supplement the Central Provinces Courts Act, 1917, be taken into consideration ”

Mr. Lalchand Navalrai (Sind · Non-Muhammadan Rural) : I want to say a few words on this Bill. In the last item of the Schedule it is intended by this Bill to insert the words “ Chief Courts of Oudh and Sind ” in place of the words “ the Chief Court of Oudh, the Court of the Judicial Commissioner of Sind ”. My submission is this. Sind is going to be separated

Mr President (The Honourable Sir Abdur Rahim) . This Bill does not relate to Sind : it relates to the Central Provinces.

Mr. Lalchand Navalrai In the last item of the Schedule, these words occur, and I am myself wondering why they should appear in a Bill relating to the Central Provinces

The Honourable Sir Nripendra Sircar : I am rather in a difficult position, because I have not followed the exact point of the Honourable Member, but probably what I am going to say will meet his point, or rather the point which I expect he has put forward. The Sind Courts (Supplementary) Act, 1926, is not in operation now. When it comes into operation, all that this Bill provides for is this, that the Court, instead of being called the Court of the Judicial Commissioner of Sind, will be called the Chief Court of Sind. If that is the point of my Honourable friend I have given the answer.

Mr Lalchand Navalrai : I do not think the answer has been given because when that Act comes into operation, the words “ Judicial Commissioner’s Court ” will be taken away and the words “ Chief Court ” will be substituted. My point is that if any substitution is going to be made in the original Act,—the Sind Courts (Supplementary) Act, 1926,—the words “ High Court ” should be put in and not the words “ Chief Court ”. My reason is this. Sind is now sought to be separated though it may be against the wishes of certain people. However, as Sind is going to be separated and made into a separate province there is absolutely no reason whatsoever why the Court should remain a Chief Court. The Nagpur Chief Court is going to be made into a High Court and why should there not be a High Court for Sind ? The people of Sind have passed resolutions and I have had communications with the Honourable the Home Member asking if a High Court is going to be established in Sind or it is going to be left with only a Chief Court or a Judicial Commissioner’s Court. The reply was that the Secretary of State and the Government of India are considering that question. Now, when the question

[Mr. Lalchand Navalrai]

is being considered, what is the reason, when the Act itself has not yet come into force, for this supplementary provision in this Bill? It will be an anomaly. The Preamble says: 'to supplement the Central Provinces Courts Act, 1917' and at the end something is shoved in like this, I would not say surreptitiously. What I mean to say is, at any rate, it will be redundant in this Bill and, therefore, this Bill should not be passed with respect to this item. If the Honourable Member is prepared even at this moment to say that he would allow an amendment to the effect that instead of 'Chief Court' the words 'High Court' will be substituted, I welcome it but if not, I will oppose it.

The Honourable Sir Nripendra Sircar: Sir, I now see the point. We are making no change in substance and when we are legislating for the Central Provinces my friend wants to get this High Court for Sind established. That cannot be done. If and when the High Court of Sind is established, some further provisions may be necessary in some other Acts.

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill to supplement the Central Provinces Courts Act, 1917, be taken into consideration."

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Schedule, the Title and the Preamble were added to the Bill.

The Honourable Sir Nripendra Sircar: Sir, I move:

"That the Bill be passed."

Mr. President (The Honourable Sir Abdur Rahim): The question is:

"That the Bill be passed."

The motion was adopted.

THE PROVINCIAL SMALL CAUSE COURTS (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member): Sir, I move:

"That the Bill further to amend the Provincial Small Cause Courts Act, 1887, for a certain purpose, be taken into consideration."

The matter is so simple that probably nothing need be said beyond once more drawing the attention of the House to the Statement of Objects and Reasons:

"This Bill is designed to remove certain doubts which have arisen in the interpretation of the proviso to sub-section (1) of section 17 of the Provincial Small Cause Courts Act, 1887. As the section stands, an applicant is required to give security to the satisfaction of the Court at the time of presenting his application. It follows that, in order to ascertain what security satisfies the Court, the applicant must already have made an application in that behalf. There is also some doubt whether the words 'as the Court may direct' apply to the deposit of the whole decretal amount as well as to the giving of approved security. The Bill is intended to make it clear that the preliminary application to ascertain what security will satisfy the Court must be made

and decided before the substantive application for the order to set aside the decree, and that it is always open to the applicant to adopt the alternative course of depositing the total decretal amount."

I only need say in supplementing this statement that there is doubt whether the words 'as the Court may direct' apply to the deposit of the whole decretal amount as well as to the giving of approved security. Different Courts have been giving different interpretations.

Mr. President (The Honourable Sir Abdur Rahim) : The question is

"That the Bill further to amend the Provincial Small Cause Courts Act, 1887, for a certain purpose, be taken into consideration"

The motion was adopted

Clauses 2 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill

The Honourable Sir Nripendra Sircar : Sir, I move :

"That the Bill be passed."

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

"That the Bill be passed."

The motion was adopted

THE INDIAN ARMY (AMENDMENT) BILL.

Mr. G. R. F. Tottenham (Army Secretary) : Sir, I move :

"That the Bill further to amend the Indian Army Act, 1911, for certain purposes, be taken into consideration."

I am aware that amendments to the Indian Army Act are sometimes looked upon with suspicion by Honourable Members opposite, but I can honestly lay my hand on my heart and say that not even the most captious critic can find anything to cavil at in this small Bill. At the same time, as Honourable Members may find some difficulty in understanding the Bill in its present form, I will do my best to explain very briefly what its three operative sections really mean. Clause 2 (a) of the Bill merely includes among the deductions from pay which are authorised by section 50 of the Indian Army Act, the forfeiture of certain classes of pay, which is awardable as a minor punishment under section 20. Under section 20, certain officers are empowered to award certain minor punishments like forfeiture of good conduct pay, etc., whereas section 50 purports to set out a complete list of all possible legal deductions from pay and makes no mention of the forfeitures under section 20. That is to say, this clause sets right an anomaly which has existed in the Act for some time. Clause 2 (b) is merely a consequential amendment, following an amendment of the Indian Army Act made last year. By that Amending Act of last year, section 42 of the Indian Army Act was deleted and, therefore, the reference to section 42 which has been left in this particular part of section 50 is meaningless and we are now removing it. Then, Sir, clause 3 of the Bill also makes good an accidental omission in last year's Amending Act, which laid down the punishments that could be awarded to warrant officers by a district court martial. Warrant officers, as Honourable Members

[Mr. G. R. F. Tottenham.]

are aware, are a new class, being introduced for the first time in the Indian Army owing to indianization, and it was always the intention that a district court martial should be empowered to award the same punishments to warrant officers of the Indian Army as is the case under the British Army Act for British warrant officers. We, therefore, propose to include by this clause the punishments of forfeiture of seniority and of reprimand and severe reprimand, which are awardable under the British Army Act to British warrant officers. Then we come to clause 4 of the Bill, which is a little bit more elaborate. Under section 103-A of the Indian Army Act at present, whenever, in the course of a trial by a court martial, it appears to the court that the person charged is of unsound mind and, consequently, incapable of making his defence, or that such person committed the act alleged but was by reason of unsoundness of mind incapable of knowing the nature of the act or that it was wrong or contrary to law, the court may record a finding accordingly and then it is possible, under sub-clause (3) of the existing section, to order the accused person to be kept in custody pending a report to the Governor General in Council. Finally, the Governor General in Council may pass an order for his detention in a lunatic asylum. Under sub-clause (5) of the existing section it is also possible, when the accused person is declared to be capable of making his defence, to call him back and have him tried. But there is at present no provision in the Indian Army Act corresponding to sections 474 and 475 of the Criminal Procedure Code by which the release of a lunatic can be ordered or by which he can be delivered to the care of his relatives, if it is not considered necessary to bring him back to trial. Clause 4 of this Bill adds two sub-sections to section 103-A of the Indian Army Act which correspond almost word for word with the provisions of sections 474 and 475 of the Criminal Procedure Code. Sir, in the Army we do not have many lunatics to deal with, but a case did actually arise the other day in which a certain rifleman of the Burma Rifles went off his head and committed a petty theft. He was brought up for trial by court martial and it was found that he was insane. Therefore we took the necessary steps to get him transferred to a mental hospital. After he had been there for some time, the mental hospital reported that he had recovered his sanity but it was discovered that there was no legal power under which we could release him. We took our courage in both hands and ordered his release although it may not have been strictly legal, and we now hope he is enjoying himself in the care of his family. But, Sir, in order to avoid such an anomaly in future, we have brought forward this amendment to the Indian Army Act to cover a case of that kind in future. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill further to amend the Indian Army Act, 1911, for certain purposes, be taken into consideration.”

The motion was adopted.

Clauses 2, 3, 4 and 1 were added to the Bill.

The Preamble and the Title were added to the Bill.

Mr. G. R. F. Tottenham : Sir, I move :

“ That the Bill be passed.”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill be passed ”

The motion was adopted

THE PROVINCIAL INSOLVENCY (AMENDMENT) BILL.

The Honourable Sir Nripendra Sircar (Law Member) : Sir, I beg to move .

“ That the Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose, be taken into consideration ”

Sir this Bill was rather over-due, and we have merely taken action as the result of a judgment of the Madras High Court which pointed out that this amendment is very necessary. Shortly speaking, Sir, the position is this. The scheme of both the Presidency-towns Insolvency Act and the Provincial Insolvency Act is that once an insolvent gets his discharge, he should not be harassed any further by such of his creditors as could have proved their case or taken steps against him in the insolvency proceedings. Now, there is a confusion. In regard to the Presidency-towns Insolvency Act, there is no difficulty, and there is no conflict of judgment ; but, as regards the Provincial Insolvency Act, the position is that there are two judgments. According to one—which we believe is the sounder judgment—unless the language is changed, an undesirable consequence follows. The result is that there arises a curiously anomalous position, namely, that if insolvency proceedings are taken in a mufassil and not in a Presidency-town, then, if the insolvent has six creditors, and, say, one of them holds out and he does not come into the insolvency proceedings at all, and he takes no steps, and proves no claim, then, if there is a composition, according to this decision—and the language of the section is not very happy—the result of it has been that the man who purposelessly held out is not held to be bound by the composition, so that he can ask for his pound of flesh and get an advantage over the other creditors. Now, that was never intended, and the High Court of Madras pointed out that the Act should be amended in the way that we have done. The result of this Bill being passed will be that the two Acts will be on exactly the same footing, and the creditor who purposelessly does not come into the insolvency proceedings will gain no advantage over those who come. Sir, I move.

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose, be taken into ”

Mr. M. Ananthasayanam Ayyangar (Madras ceded Districts and Chittoor : Non-Muhammadan Rural) : Sir, I want to make one or two observations as to how the Bill places the creditor at an enormous disadvantage. Under the present Act, section 33, a schedule of creditors has to be prepared, and, until an order of discharge is made, it is open to a creditor to have his name included in the schedule even though the debtor might not have given the name or the address or have included the name of the creditor in the petition, or even if he fails to give information before the schedule of creditors is prepared. But under the Bill the time will be limited. As soon as an order of adjudication is passed, six

[Mr. M. Ananthasayanam Ayyangar.]

months or a year is the period ordinarily given for the debtor to apply for his discharge and till then it is open to any creditor, even though his name might have been purposely omitted by the debtor, to come in and have his name entered in the schedule and if the Official Receiver divides the property among the creditors, he is also entitled to have a ratable distribution of the property according to the amount of the debt that is due to him.

Now, with respect to composition, there is no period of time fixed within which a proposal should be made. Besides the period of six months or a year under the Code and the original period of six months or a year that is granted for the debtor to apply for an order of discharge may be extended from time to time on an application to the Court. Therefore, in practice, this time for applying for an order of discharge is extended beyond one year. It is nearly extended to two years—by a year more. It is open, therefore, to a creditor to come in before the end of two years to apply to be included in the schedule so that he may have the benefit by way of ratable distribution of the property of the insolvent debtor. Here no such period of limitation is fixed within which a debtor could apply for a composition. I submit that in the proposal for composition the invaluable right of the creditor to come in is taken away. I submit, therefore, that a suitable provision should be made in order to enable the creditor to come in. It ought not to be a one-sided Act of the insolvent with a view to defraud any creditor he chooses. It is open to him to make a proposal at any time after an order of adjudication is made showing only a few persons as persons to whom debts are due. He may try to avoid certain persons who may have been a little harsh on him and those persons may not have had a notice that he applied to be adjudicated an insolvent or that an order of adjudication was passed against him. If this Bill is thrown out, it will prevent them from doing so. Therefore, I submit, that whatever might have been the suggestion of the Learned Judges of the Madras High Court, in this matter, this invaluable right of the creditor should not be taken away. I submit, therefore, that this House should not accept this Bill.

The Honourable Sir Nripendra Sircar : Sir, my Honourable friend has given notice of no amendment.

Mr. M. Ananthasayanam Ayyangar : I have.

The Honourable Sir Nripendra Sircar : The only answer which I need give to my Honourable friend is this that if there has been a fraud, the creditor has not been able to take advantage of the insolvency proceedings because his name was kept back by the debtor and he received no notice, then under the present law he can challenge the composition and have it set aside, so that there need not be any fear for that kind of creditor. Surely, my Honourable friend has not said one word as to why a creditor who purposely does not come into the insolvency proceedings should have this advantage in a provincial insolvency Court when he gets no such advantage in an insolvency under the Insolvency Act, nor is there any reason whatsoever for it because that gives an incentive to some of the creditors to try to be cleverer than others. The results of the insolvency proceedings are nullified if some creditors get an undue advantage over other creditors. I submit, therefore, that in the absence

of any definite amendment, the only point which my friend has made is completely answered by the fact that such a creditor is not put at any disadvantage.

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill further to amend the Provincial Insolvency Act, 1920, for a certain purpose, be taken into consideration ”

The motion was adopted.

Clauses 2 and 1 were added to the Bill.

The Title and the Preamble were added to the Bill

The Honourable Sir Nripendra Sircar . Sir, I move .

“ That the Bill be passed ”

Mr. President (The Honourable Sir Abdur Rahim) : The question is :

“ That the Bill be passed ”

The motion was adopted.

THE INDIAN MOTOR VEHICLES (AMENDMENT) BILL

The Honourable Sir Henry Craik (Home Member) : Sir, I beg to move .

“ That the Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes, be taken into consideration.”

This is a simple Bill, and I hope it will commend itself to the whole House as a desirable measure. It deals with two points. The first is one of comparatively minor importance and is somewhat technical. I will deal with that first.

Sub-clause (a) of clause 2 of the Bill which is marked (ddd) gives the Local Government power to make rules regulating the manner in which and the duration for which licences may be endorsed. At present, a Local Government has power to make rules regarding the suspension and the cancellation of licences but has not power to make rules regarding the endorsement of licences and it is proposed by this sub-clause to fill that gap. The second and more important part of the Bill is that it proposes to give Courts power to compound certain motoring offences. If the House will compare the new clause 16A which we propose to add to the Act with the various sections in the Act which prescribe the offences, it will be seen that we propose to make compoundable the following offences: Any offence under section 4 of the Act, that is, a driver of the motor vehicle not stopping his vehicle when required to do so by a police officer or by a person in charge of an animal that has been frightened or when he is mixed up in an act. Next, we propose to make compoundable an offence under section 8 of the Act, that is to say, failure to produce a licence when called upon to do so by a police officer. Next, an offence under section 10 of the Act, that is, failure to have a vehicle registered. Next, an offence under section 18, sub-section (5) of the Act, that is, failure of a driver to produce a licence before any authority acting under section 18, which means a Court or a Local Government. Lastly, an offence under section 18, sub-section (7) of the Act, that is, a driver whose licence has been endorsed or who has been disqualified from obtaining a licence applies for or obtains a licence without giving particulars of the

[Sir Henry Craik.]

endorsement or disqualification. All those offences we propose to make compoundable. The graver offences under the Motor Vehicles Act, namely, those mentioned in sections 3, 5, 6 and 7 will not be compoundable. We also propose to make an offence against a rule laid down by the Local Government under the Act compoundable. Naturally, offences against rules are of a less serious nature than offences against the substantive sections of the law. We do not propose that composition will be automatic in every case of these comparatively minor offences. The composition will only be allowed with the permission of the Court and the offender will not be entitled to claim composition as of right. There may be instances where, although the offence is of a comparatively trivial nature, the offender may have committed the same offence before and in such cases probably composition should not be allowed, at any rate not as a matter of course. Secondly, the sum for which the offence may be compounded must be fixed by the Court and cannot exceed the fine which is the maximum for the offence. The maximum fine for a first offence is Rs 100 and for a second offence it is Rs. 200.

There are just two other points I might mention. One is that it will be within the discretion of the Court to dispense with the attendance of the accused person if it thinks fit. That will prevent people from being dragged into Court unnecessarily for trivial offences which they are quite prepared to admit. Secondly, composition of an offence will rank as a conviction, that is to say, it can be endorsed on the licence which, I think, is a reasonable provision. That I think is all I have to say about the Bill.

There is one other provision which I ought perhaps to mention, namely, that we propose to give Local Governments power to make rules regulating the procedure to be adopted by Courts when they decide that an offence could be compounded. I do not think there is anything else that I need explain to the House.

Mr. President (The Honourable Sir Abdur Rahim) : Motion moved :

“ That the Bill further to amend the Indian Motor Vehicles Act, 1914, for certain purposes, be taken into consideration ”

Mr. Lalchand Navalrai (Sind : Non-Muhammadan Rural) : Sir, the Honourable the Home Member said that the provisions of this Bill are very simple. But they appear to me to be very extraordinary. When you refer to clause 3 of the Bill, you will find that I am perfectly justified in saying that the provisions of this Bill are very extraordinary. If I am able to show to the House that the provisions are unusual, I hope at least the lawyer Members of this House will consider that point from the point of view of the principle involved therein and will then say whether they should accede to the passing of such a measure with such a principle embodied therein. I submit that the House should properly understand the Bill before giving its assent to it. For the benefit of those Honourable Members who might not have read clause 3 of the Bill, I will read it. It runs :

“(1) Offences punishable under this Act (other than offences under sections 3, 5, 6 and 7 and such offences against rules made under this Act as the Local Government may, by notification in the local official Gazette, have declared to be non-compoundable) shall, with

the permission of the Court, be compoundable, either before or after the appearance of the accused, on payment by the accused of such sum, not exceeding the maximum amount of fine with which the offences are made punishable by this Act, as the Court may determine.

(2) The composition of an offence under this section shall have the effect of a conviction of the accused with whom the offence has been compounded."

Now, my difficulty is this. Under the general law or under the fundamental principles of general law, when a compromise is effected, that does not mean that the guilt has been admitted. Lawyer Members of this House will realise that under the Criminal Procedure Code, if any offence has been compounded, that means an acquittal. It leaves no stigma of criminality upon the person and it cannot be that a compromise would mean punishing the man to pay as much fine as could be levied under that very section. Because it is left to the magistrate to give permission or not for compounding an offence, it does not mean that he should impose a fine on the person even if after he compounds the offence. According to this provision contained in the Bill, it comes to this that a man is asked to plead guilty. After he pleads guilty, the magistrate will punish him with fine up to the maximum limit to which he can go. Then, I ask what is the use of compounding an offence, if the man is really going to be punished. I cannot understand this law. I have never come across any law in which compounding is treated as an acknowledgment of one's guilt and fine is imposed on the man with the result that a stain is left on the character of the man, so that the next time he commits the same offence, he is treated as an old offender and enhanced punishment is awarded to him. I do not think this House will lend its support to a drastic law of this nature. If the provisions of the Criminal Law Amendment Act are considered to be such as the most harassing to the people of this country, then a Bill of the present nature would amount to nothing less. If you become a party to it next time the Government might come forward with another Bill amending the Criminal Procedure Code to the effect that compounding will always mean admission of guilt and also a liability to punishment with fine to the maximum extent allowed by the Act. A Bill like this might be thrown on our face by the Home Member and then he may say that there is a precedent for such a measure because the House passed the Indian Motor Vehicles (Amendment) Act. I would, therefore, request the House to seriously consider the position. I am sure this would appeal to the Members of the House. As I have explained it clearly, I am sure it would also appeal to the non-lawyer Members of the House also. Would the House like that an accused, when he comes before a Court upon a summons and is willing to compromise and the other party also agrees to it, the magistrate should not allow him to enter into a compromise, except on payment of fine? The magistrate will say: "You are fined and you are, therefore, not acquitted of guilt". I cannot accept a law like this. I thought that if there were any reasons for bringing forward a measure like this, those reasons must be found in the Statement of Objects and Reasons attached to the Bill. But what does a perusal of the Statement of Objects and Reasons reveal? There also I got disappointed, because it is a mere repetition of what is said in the clause of the Bill. It reads:

"The Bill seeks to give effect to this recommendation. It is thought that offences under sections 3, 5, 6 and 7 of the Act should not be made compoundable, and as regards offences against the rules made by Local Governments under section 11 of the Act, it is proposed to leave it to them to notify what such offences are to be made non-compoundable."

[Mr. Lalchand Navalrai.]

I can understand this. But, further on, it says :

“ Other offences should be made compoundable, with the permission of the Court, either before or after the appearance of the accused in the Court, for a sum not exceeding the maximum amount of fine for the offence concerned.”

This throws no further light on what is said in the clauses of the Bill. I would request the Honourable the Law Member to explain this law. Unless the Honourable the Law Member says that this is an extraordinary law and shows that there are valid reasons for enacting such an extraordinary law, I submit that this House should not give its consent for the passing of such a measure.

Further on, it is said, in the Statement of Objects and Reasons, that composition should count as a conviction. I have never heard that composition would count as a conviction. If it is a composition amounting to conviction, I submit you do not call it a compromise. Call it conviction. In such a case, it would only amount to this much that the offender will be excused from personal attendance in Court. That is the only concession to be made. That concession is allowed even under the ordinary law. An accused is often exempted from putting in personal appearance. Therefore, I submit, that the provisions contained in this Act are such that they should not be passed light-heartedly by Honourable Members of this House without giving serious consideration to the provisions.

Then, it is said :

“ Such composition should count as a conviction, and the driver's licence will be hable to be endorsed under sub-section (2) of section 18. The machinery for composition of offences is left to be governed by rules to be made under the Act.”

Now, Sir, my first objection is that this Bill should not be passed, but I would even go further and ask leave of the Chair to allow me to move an amendment with regard to the Select Committee, that this Bill be sent to the Select Committee and it should undergo a fresh and very careful examination in view of the peculiar nature of it. I would, therefore, request you to give me permission to move this amendment.

Mr. Sri Prakasa (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I rise to support Mr. Lalchand Navalrai. The motor car is a dangerous vehicle that has come on our roads ; and any legislation about it must be carefully considered. I may say at the outset that I am a driver myself ; and, therefore, I know the difficulties of driving, and I also know the difficulties of those who use the roads for walking and cycling and for other purposes. I hope I shall not be accused of imputing any motive to any one, but it seems to me that this law is meant to facilitate the wealthy folk who own motor cars. The Honourable the Home Member thinks that offences against sub-section (2) of section 18 of the Original Act are only of a technical nature, and I think, on the contrary, that those offences are serious offences and should not be allowed to be compounded. The section runs :

“ No person whose licence has been endorsed or who has been disqualified for obtaining a licence shall apply for, or obtain, a licence without giving particulars of such endorsement or disqualification ”

There are some sections offences against which are declared to be non-compoundable. I am referring to the original section 3 which says :

“ No person under the age of 18 years shall drive a motor vehicle in any public place.”

